ACTS AND ORDERS

ISSUED IN THE

NORTH WESTERN PROVINCES,

DURING THE YEAR 1853.

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BY ORDER OF

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ACTS AND ORDERS

FOR THE

NORTH WESTERN PROVINCES.

ACTS.

ACT No. II. of 1853.

An Act to remove doubts as to the liability of all subjects of Her Majesty to the same jurisdictions as Natives in respect of public and Police duties and public charges incident to the holders of land or their local Agents or Managers.

Whereas, by virtue of Act No. IV. 1837, it is lawful for any subject of Her Majesty to acquire and hold in perpetuity, or for any term of years, property in land, or in any emoluments issuing out of land, in any part of the Territories under the Government of the East India Company; and whereas doubts have arisen whether all subjects of Her Majesty acquiring or holding property in land, or in any emoluments issuing out of land, or acting as local Agents or Managers of such property, are subject to the same jurisdictions as Natives for enforcing the discharge of public and Police duties incident to the holding of such property, or for the enforcement of public charges and assessments upon or in respect thereof; and whereas it is just and reasonable that all persons who may think fit to hold such property, or to be the local Agents or Managers thereof, should be liable to the public burthens and duties incident thereto, and in case of neglect or refusal to discharge the same, should be subject to the same jurisdictions as Natives; It is therefore declared and enacted as follows:—

I. No person whatever, being the owner, holder, or farmer of any property in land, or in any emoluments issuing out of land, in any part of the said Territories, whether in perpetuity or for a term, or being a local Agent or Manager of any such property, is by reason of his place of birth, or by reason of his descent, exempt from any public charge or assessment, or from any duty connected with the Police, or with the Salt or Opium revenue, or from any duty whatsoever of a public nature, to which he would otherwise be subject, as the owner or holder of such property, or as a local Agent or Manager thereof.

II. For the non-payment of any such public charge or assessment, or for the breach of any such duty as aforesaid, or for any neglect or misconduct in the discharge thereof, every person, whatever may have been his place of birth, or his descent, shall be subject to the same laws, regulations, and procedure, and to the same jurisdictions as if he were a Native of the said Territories.

The 4th February, 1853.

ACT No. VI. OF 1853.

An Act relating to Summary Suits for Arrears of rent, to sales of Putnee Talooks, and other saleable tenures, and to sales of land in satisfaction of Summary Decrees for rent.

WHEREAS, by Regulation VIII. 1831 of the Bengal Code, the hearing and decision of Summary Suits or claims relating to arrears or exactions of rents were transferred from the Judges of the Zillah or City Courts to the Collectors of Land Revenue of the several districts; and whereas by Regulation VII. 1832 of the Bengal Code, the conduct of sales of Putnee Talooks and other saleable tenures, under Regulations VIII. 1819, and I. 1820 of the same Code, and the performance of other acts preparatory to, or connected with, such sales, were transferred to the Collector or Deputy Collector of Land Revenue, or Head Assistant to the Collector or Deputy Collector, subject to an appeal as therein provided; and whereas by Act VIII. 1835, the power theretofore vested in the Judges of the Dewanny Adawlut of selling land in satisfaction of summary decrees for rent was transferred to the Collectors of Land Revenue, and it was enacted that all sales for the recovery of arrears of rent held under Clause 7, Section 15, Regulation VII. 1799, should be conducted by the Collector, his Deputy, or duly authorized Assistant, and that ten days' notice should be given of such sales by advertisement to be stuck up at the Cutcherry of the Zillah Court or local Adawlut, and that of the Collector; and whereas it is expedient that Act XXV. 1850, and Section 9, Regulation VIII. 1819 of the Bengal Code, as modified by Clause 1, Section 16, Regulation VII. 1832 of the same Code, and as altered by the said Act XXV. 1850, should be extended to sales under Act VIII. 1835; and whereas doubts may be entertained as to who ought to exercise the jurisdiction transferred by the abovementioned Regulations and Acts, where lands situate within the Zillah or other district of one Collector, form part of an entire estate, paying revenue to the Collector of another zillah or district: In order therefore to avoid such doubts, and also to define who are the proper Officers to exercise such jurisdictions in cases where lands are situate in a district assigned to an independent Deputy Collector, and also in cases where lands held in Putnee, or other tenure, at one entire rent, are situate in two or more Collectorates, and to prevent any such decision or sale already made from being held invalid, upon the ground of its having been made by an Officer of a wrong district; it is enacted as follows:—

I. If the lands which may be the subject of any such sale, or to the rent of which any such suit may relate, be all situate in one Collectorate, the Collector of such Collectorate is the Collector to conduct the sale, or to hear and decide the suit. If one talook or tenure shall comprise lands situate in two or more Collectorates, or if any lands situate in two or more Collectorates be held under one lease or engagement, or at one entire rent, the Collector, in whose Collectorate the greater part of such lands shall be situate, is the Collector to conduct the sale of such Talook, or tenure, or of such lands, and to hear and decide any summary suit relating to arrears or exactions of rent in respect thereof.

II. If a Collector, to whom application shall be made to exercise any of the powers abovementioned, shall entertain any doubt as to whether the lands or the greater part of them are situate within his Collectorate, he shall report the case for the order of the Board to which he is subordinate, and if ordered by such Board to proceed in the matter, such order shall be conclusive upon the question of his jurisdiction.

III. The word "Collectorate" in this Act means the zillah or other district, to which a Collector is appointed, and no lands situate beyond the limits of such zillah or district shall be deemed to be situate within the Collectorate, by reason of their forming part of an estate paying revenue to the Collector thereof.

IV. An independent Deputy Collector may, within his Deputy Collectorate, exercise all the powers and jurisdictions of a Collector with which he may be entrusted, in the same manner and to the same extent as a Collector may do within his Collectorate; and with reference to the exercise of such powers and jurisdictions, his Deputy Collectorate shall be deemed a Collectorate, and he shall be deemed to be a Collector within the meaning of this Act.

V. An independent Deputy Collector is an Officer appointed by Government to act as Deputy Collector, independently of a Collector, whether his office is one for the receipt of revenue or not. A Deputy Collectorate is the district within which an independent Deputy Collector is directed by Government to act.

VI. In cases of sales by an independent Deputy Collector, under the abovementioned Regulations or Act, any notice thereby required to be stuck up at the Cutcherry of the Collector may be stuck up at the Cutcherry of the Deputy Collector.

VII. An independent Deputy Collector may exercise the powers assigned to him over any part of his Deputy Collectorate in public Cutcherry, in whatever part of his Deputy Collectorate the same may be situate or held.

VIII. Any notice required by the abovementioned Regulations or Act, to be given by advertisement to be stuck up at the Cutcherry of the Zillah Court or local Adawlut, shall be stuck up at the Zillah Court or local Adawlut within the jurisdiction of which the lands to be sold, or the greater portion of them, as the case may be, shall be situate.

IX. No order, decision, or sale, made in the discharge of any of the duties aforesaid under any of the aforesaid Regulations, or under the aforesaid Act, before the passing of this Act, shall be disputed, or deemed invalid, upon the ground that the Collector, Deputy Collector, or other Officer making the same, was not the Collector, Deputy Collector or Officer of the proper district; or upon the ground that the Cutcherry, at which the notice of such sale was given, was not the Cutcherry of the proper district, unless proceedings shall, previously to the passing of this Act, have been commenced, for the purpose of disputing the validity of such order, decision, or sale, upon such ground.

X. Act XXV. 1850, and Section 9, Regulation VIII. 1819 of the Bengal Code, as modified by Clause 1, Section 16, Regulation VII. 1832 of the same Code, except so far as the same has been altered by the said Act XXV. 1850, are hereby extended to all sales under Act VIII. 1835.

The 15*th April,* 1853.

ACT No. VII. of 1853.

An Act to extend the jurisdiction of Magistrates, under the 53*rd George* 3*rd, Cap.* 155, *Sec.* 105, *in cases of assaults, forcible entries, and other injuries accompanied with force, not being felonies.*

Whereas, by an Act passed in the 53rd year of the reign of King George the 3rd, it was enacted, amongst other things, that it should be lawful for any Native of India resident in the East Indies or parts therein mentioned, and out of the Towns of Calcutta, Madras and Bombay, in case of any assault, forcible entry, or other injury accompanied with force, not being felony, alleged to have been done against his person or property by a British subject, to complain of such assault, forcible entry, or other injury accompanied with force, not being felony, to the Magistrate of the zillah, or district where the alleged offender should be resident, or in which such offence should have been committed, and that such Magistrate should have the power and authority there-

in mentioned: and whereas Natives of India, resident in the East Indies, upon complaints preferred by them under the aforesaid provisions of the said Act, may be prevented from obtaining redress under the same, by reason of their inability to prove the place of their birth: and whereas it is expedient to extend the aforesaid provisions of the said Act as amended by Act IV. 1843, to cases of assaults, forcible entries, and other injuries accompanied with force, not being felonies, committed in any part of the territories under the Government of the East India Company, not being within the said Towns of Calcutta or Madras, or the Islands of Bombay and Colaba, or the settlement of Prince of Wales' Island, Singapore and Malacca, against the person or property of any person whatever, whether a Native of India or not: it is enacted as follows:—

I. The provisions of the said Act of the 53rd George 3rd and of Act IV. 1843, so far as the said provisions extend to cases of assault, forcible entries, or other injuries accompanied with force, not being felonies, against the person or property of any Native of India, are hereby extended to the case of any assault, forcible entry, or other injury accompanied with force, not being felony, which may at any time hereafter be committed in any part of the territories under the Government of the East India Company, not being within the said towns of Calcutta or Madras, the said Islands of Bombay and Colaba, or the said settlement of Prince of Wales' Island, Singapore and Malacca, by any British subject or other person, against the person or property of any person whatever.

II. The powers in such cases given to the Magistrate of the zillah or district, may be lawfully exercised by any Joint Magistrate or other person lawfully exercising the powers of a Magistrate, in the case of any such offence as aforesaid, which may hereafter be committed within the district over which his authority extends.

The 15th April, 1853.

ACT No. IX. of 1853.

An Act to amend Act No. VI. of 1853.

It is hereby enacted, that the first eight Sections of Act No. VI. of 1853, shall not extend to any case in which a petition for the sale of any saleable tenure was presented on the first day of Bysack, 1260, of the Bengal era, nor to any case in which any proceedings were pending at the time of the passing of the said Act.

The 22nd April, 1853.

ACT No. XV. of 1853.

An Act for the amendment of Procedure in cases of regular appeal to the Sudder Courts in the Presidency of Fort William in Bengal.

Whereas it is desirable to simplify and shorten the procedure in regular appeals to the Courts of Sudder Dewanny Adawlut in the said Presidency; It is enacted as follows:—

I. Act IV. 1850, and Sections II., III. and IV. Act XXX. 1850, are hereby repealed, except as to appeals presented before the passing of this Act.

II. *Clause 1st.*—Every petition of regular appeal in a case appealable to either of the said Sudder Courts shall be presented to the Court in which the decision was passed within six weeks from the day of the decision. Such petition of appeal shall,

except in cases of petitions under Section XIII. of this Act, contain only notice that the party, being dissatisfied with the decision, is desirous of appealing from it.

Clause 2nd.—The Sudder Court may extend the time for presenting such petition of appeal to the lower Court, upon being satisfied that there is sufficient cause for such extension of time. The application for such extension of time may be made directly to the Sudder Court, or through the intervention of the lower Court, at the option of the applicant.

III. On presentation of a petition of regular appeal to the Court, in which the decision was passed, notice thereof to the respondent, as well as a proclamation to the same effect, shall immediately issue from that Court; and a copy of the proclamation shall be forthwith fixed up in some conspicuous part of the Court House of the said Court. If the notice cannot be personally served, the proclamation shall at once be fixed upon the door of the respondent's dwelling-house, or in some conspicuous place in the village or place where he usually resides; or in cases in which the respondent shall not have a fixed residence within the jurisdiction of the Company's Courts, the proclamation may be fixed upon the door of his house of business or cutcherry, or the notice may be served on his known local agent. In case the proclamation cannot be fixed, or the notice served in the manner abovementioned, the proclamation shall be fixed up in such other place, if any, as the said last-mentioned Court shall direct. The nazir shall make a return to the Court, stating when and where the notice and proclamation have been served or fixed up. The return of the nazir shall be filed in Court and shall form part of the record of the case, and such return shall be published by fixing up the same in some conspicuous part of the Court House of the lower Court.

IV. *Clause 1st.*—The Rule in Section 11, Regulation VI. 1793, which directs copies of all original papers transmitted to the Sudder Court with the record of an appealed case to be made out and deposited in the Court in lieu of the originals, is hereby modified, and it shall be necessary to copy, authenticate and deposit only the exhibits in the case, and also any other papers of importance, including the pleadings, or any parts of them which either of the parties shall require to be copied, authenticated and deposited in the lower Court, previously to their being transmitted to the Sudder Court.

Clause 2nd.—If either of the parties require any papers to be copied, authenticated and deposited, such party shall either by himself, or his pleader or authorized agent, give notice in writing thereof to the lower Court, before the expiration of fourteen days from the time of the publication of the return of the nazir as aforesaid. Such notice shall specify the papers which the party requires to be copied, authenticated and deposited.

Clause 3rd.—Either party may by himself, or his pleader or authorized agent, before the presentation of an appeal, give notice in writing to the lower Court, specifying any papers or documents which he requires to be copied, authenticated and deposited, in the event of an appeal being preferred.

V. The petition of appeal, together with the record of the lower Court, shall be certified to the Sudder Court as soon as conveniently may be after the presentation of the petition of appeal; Provided that the same shall not be certified within the time allowed to the parties for specifying the papers which they desire to be copied, authenticated and deposited.

VI. On arrival of the appeal record at the Sudder Court, notice shall be affixed in the Court House of the said Court, requiring the appellant to file, within six weeks from the date thereof, his grounds of objection to the decision of the Court below. Within the said space of six weeks the appellant shall file in the said Sudder Court his grounds of objection to the decision.

VII. *Clause 1st.*—On the filing of the grounds of objection by the appellant, notice shall be affixed in the Court House of the Sudder Court requiring the respondent to file his grounds of objection, if any, to the appeal, or to the decision of the lower Court, within four weeks from the date of such notice.

Clause 2nd.—Within the said space of four weeks, the respondent shall file any grounds of objection which he has to the appeal, or which relate to such parts of the decision as are involved in the appeal.

Clause 3rd.—If the respondent shall desire to object to any part of the decision of the lower Court not involved in the appeal, he may present a separate petition of appeal to the Sudder Court within the said space of four weeks, or within such further time as the said Sudder Court shall allow for that purpose.

Clause 4th.—The respondent shall in such case file with his petition of appeal his grounds of objection to that part of the decision to which his appeal relates, otherwise his appeal shall not be received.

VIII. *Clause 1st.*—At the expiration of the time allowed to the respondent for filing his grounds of objection and for filing a separate petition of appeal in the Sudder Court, the record shall be deemed complete, and the case ready to be called up for decision on any day which the Sudder Court may notify, unless the respondent within such time file a separate petition of appeal in the Sudder Court.

Clause 2nd.—If the respondent file a separate petition of appeal in the Sudder Court, notice shall be fixed up in the Court House of the Sudder Court to the effect that the respondent has filed such separate appeal, and the notice shall require the appellant to file any grounds of objection which he may have thereto, within the space of four weeks from the date of the notice.

Clause 3rd.—Within such space of four weeks the appellant may file any grounds of objection which he has to such appeal, or which relate to that part of the decision which is involved in the respondent's appeal. At the expiration of the time allowed for filing such grounds of objection by the appellant, the record shall be deemed complete, and the case ready to be called up for decision on any day which the Sudder Court shall notify for that purpose.

Clause 4th.—If the appeal of either party be dismissed or withdrawn, the appeal of the other may be heard alone; otherwise the two appeals and the proceedings thereon shall form one record, unless the Sudder Court shall otherwise order.

IX. The respondent shall not be allowed to present a separate petition of appeal in the Sudder Court, if he shall previously have presented a petition of appeal to the lower Court.

X. *Clause 1st.*—All grounds of objection which shall be filed by either the appellant or the respondent, shall be stated distinctly and concisely, without any argument or narrative of facts, and shall be numbered consecutively, and except in the cases herein-after-mentioned, shall be on paper bearing the stamp duty prescribed by Article 9, Schedule B, Regulation X. 1829.

Clause 2nd.—The Sudder Court may extend the time for filing grounds of objection either by an appellant or respondent upon special application for that purpose, and upon sufficient reasons being shown to the satisfaction of the said Court for such extension of time. In such case the objections may be filed within such extended time.

XI. Either party may, by leave of the Sudder Court or any Judge thereof, at any time before the hearing, amend his grounds of objection or add grounds of objection to those filed, upon such terms and conditions, and within such time as the said Court or Judge may order. The said Court may also, upon the hearing of any appeal, allow either party to amend his grounds of objection, or to add further

grounds, or to urge and be heard by himself or his pleader in support of any objection not included in his grounds of objection, upon such terms and conditions as to postponement of the cause, and as to the payment of costs or otherwise, as the Court shall think just, to prevent the opposite party or his pleader from being taken by surprise or otherwise. Without such leave of the Court, neither party shall be allowed to urge or be heard in support of any objection not included in his grounds of objection filed. But the Court shall not be confined to such grounds of objection on deciding the cause.

XII. *Clause 1st.*—The Sudder Court may call up for hearing and decision on any day the Court shall notify, and without regard to the place in which the case stands in the general list of appeals, any grounds of objection filed by the respondent or the appellant to the appeal of the opposite party, and the Sudder Court may hear and decide upon such grounds of objection before calling the case up for decision upon the grounds of objection to the decision of the lower Court.

Clause 2nd.—If the grounds of objection filed by the appellant, and respondent, shall be upon points of law only, and shall not raise any question of fact, the Sudder Court may order the case to be called up for hearing and decision on any day which the said Court shall notify, without regard to the place in which it stands in the general list of appeals pending in the said Court.

Clause 3rd.—If the grounds of objection filed shall raise questions of law and fact, and it shall appear to the Sudder Court that the decision of the law may render it unnecessary to determine any question of fact so raised, the Court may order the case to be called up for decision upon the law alone, in the first instance, in the manner pointed out in the last preceding Section; and if their decision of the case upon the law shall render it unnecessary to determine any question of fact, the said Court shall pass a final decision in the case; otherwise the Court shall determine the law only, and the case shall be afterwards set down in the list of regular appeals for hearing upon the question or questions of fact, and shall be determined in the same manner as any other regular appeal.

XIII. If any party to a regular suit be desirous of being admitted to appeal *in formâ pauperis* to the Sudder Court, the following procedure shall be adopted.

Clause 1st.—The appellant shall present his petition to the lower Court according to the rules prescribed by Section II. of this Act; Provided that a petition to appeal *in formâ pauperis* against any decision passed before this Act shall come into operation, may be presented within three months from the day of the decision.

Clause 2nd.—Petitions of appeal by parties desirous to appeal *in formâ pauperis* shall contain a statement to that effect, and also a Schedule of the whole real and personal property belonging to the petitioner, and the estimated value of such property, and shall be written on paper bearing the stamp duty of two Rupees per sheet.

Clause 3rd.—Upon the presentation of such petition, the notice to the respondent and the proclamation shall state that the appellant desires to appeal *in formâ pauperis.*

Clause 4th.—On arrival of the appeal record at the Sudder Court, the same procedure shall be adopted in that Court as in other cases of regular appeal, except that after the filing of the grounds of objection by the appellant, and before notice shall be given requiring the respondent to file his grounds of objection, the Sudder Court shall determine, according to the rules now applicable to the determination of such cases, whether or not the appellant shall be allowed to appeal *in formâ pauperis.*

Clause 5th.—If the Sudder Court allow the petitioner to appeal *in formâ pauperis,* notice shall be given to the respondent to file his grounds of objection in the manner provided by Section VII. of this Act, and the same procedure shall be adopted subsequent-

ly thereto as in other cases of regular appeal under this Act. The rules and conditions now applicable to persons admitted by the Sudder Court to appeal *in formâ pauperis* shall continue in force, except where the same are inconsistent with any of the provisions of this Act.

Clause 6th.—If the Sudder Court refuse to allow the petitioner to appeal *in formâ pauperis*, the said Court may make an order to the effect that the appellant upon filing a petition of appeal in that Court, upon paper stamped with the stamp duty required by Article 8, Schedule B, Regulation X. 1829, and upon re-filing his grounds of objection on paper stamped with the stamp duty required by Article 9 of the same Schedule, may proceed with the appeal according to the rules prescribed by this Act in the case of persons not appealing as paupers.

Clause 7th.—Upon such order being made, the appellant shall file his petition and re-file his objections upon paper stamped with the stamp duty required by Clause 5 of this Section, within two weeks from the date of such order, or within such further time as the said Court may allow for that purpose, otherwise the appeal shall stand dismissed.

Clause 8th.—Upon the re-filing of the grounds of objection according to the provisions of the last preceding Clause, notice of the order and of the re-filing of such objections shall be given to the respondent in the manner prescribed by Section VII. of this Act, and the respondent shall be required to file his grounds of objection, if any, according to the provisions of that Section. The procedure subsequent to such notice shall be according to the general provisions of this Act.

Clause 9th.—If an appellant shall petition to appeal *in formâ pauperis*, his grounds of objection may be written on plain paper.

XIV. If an appellant shall be admitted to appeal, or a respondent, to defend, *in formâ pauperis*, all grounds of objection subsequently filed by either party may be written on plain paper.

XV. No decision shall be reversed or altered, nor shall any case be remanded upon appeal to the Sudder Court on account of any error, defect or irregularity not productive of injury to either party, nor opposed to any express enactment contained in the general Regulations or Acts of Government.

XVI. This Act extends only to regular appeals which shall be presented after the passing of this Act in Civil cases appealable to either of the Sudder Courts in the Presidency of Fort William in Bengal.

The 28th October, 1853.

ACT XVI. OF 1853.

An Act for Amending the Law of Special Appeals.

I. Act No. III. of 1843 is hereby repealed, except as to cases in which a petition for appeal shall have been presented before this Act shall come into operation.

II. If any application for a special appeal shall have been presented, and no order shall have been passed thereon before this Act shall come into operation, such application shall be heard and determined in the same manner as an appeal presented under this Act; and all the provisions of this Act shall extend to such application and to the hearing thereof, and to all subsequent proceedings thereon; and also to the hearing and determination of the appeal, if the same shall be admitted.

III. If any such application shall have been presented, and the appeal admitted before this Act shall come into operation, the appeal shall be heard and determined, in the same manner as if this Act had not been passed, except that the Sudder Courts

shall determine the appeal without reference to the points certified, and may call for or refer to any part of the proceedings which may be necessary and that the provisions of Section X. of this Act shall extend to such appeals.

IV. A special appeal shall lie to the Sudder Courts in the several Presidencies of Fort William in Bengal, Fort St. George and Bombay, from any decision passed on regular appeal in any of the Civil Courts subordinate to the said Sudder Courts respectively, on any of the following grounds; namely—

1st. On the ground that the decision hath failed to determine all material points in difference in the cause, or hath determined the same or any of them contrary to law or usage having the force of law.

2nd. On the ground of a misconstruction of any document.

3rd. On the ground of any ambiguity in the decision affecting the merits.

4th. On the ground of any substantial error or defect in procedure, or in the investigation of the case, provided such error or defect be apparent on the record, and shall have produced, or be likely to have produced, any error or defect in the decision of the case upon the merits. Provided always that no such special appeal shall lie, nor shall any such decision be reversed, altered, or remanded by any of the said Sudder Courts, upon the ground that the decision of any question of fact is contrary to, or not warranted by, the evidence duly taken in the cause, or any probability deduced from the record.

V. *Clause* 1.—A petition of special appeal may be presented in the Sudder Court, or it may be presented in the Court in which the decision objected to was passed for transmission to the Sudder Court. In either case the petition must be presented within three months from the date of the decision appealed against, unless the petitioner can show just and reasonable cause to the satisfaction of the Sudder Court for not having presented it within such limited period.

Clause 2.—Every such petition of special appeal shall be accompanied by authenticated copies of the decree objected to and of the decree of the Court of original jurisdiction. If the appeal be presented in the Court in which the decree objected to was passed, such last mentioned Courts shall forthwith forward the same to the Sudder Court with an endorsement thereon of the date on which it was presented, together with the copies of the decrees of the lower Courts by which it was accompanied.

Clause 3.—An application for an extension of the time for presenting a petition of special appeal may be made directly to the Sudder Court, or through the intervention of the lower Court, at the option of the applicant.

VI. Every petition for a special appeal shall set forth concisely and under distinct heads the grounds of objection to the decision appealed without any argument or narrative, and such grounds shall be numbered consecutively.

VII. *Clause* 1.—The Sudder Courts shall cause lists of the petitions, which shall be presented for the admission of special appeals to be prepared weekly, and to be affixed in the Court houses of the said Sudder Courts respectively. The said lists shall set forth the dates on which such petitions are likely to be brought on for hearing, and the said Sudder Courts shall cause extracts from the said lists to be transmitted to the Courts in which the decisions on regular appeal were passed; such extracts shall be affixed in some conspicuous place in the last mentioned Courts, and extracts therefrom shall be transmitted by such Courts to the Courts in which the original suits were instituted, and such last mentioned extracts shall be affixed in some conspicuous place in the said last mentioned Courts. The time to be fixed by the Sudder Court for the hearing of any petition shall not be less than six weeks from the date of despatch of the extracts referring to the same from the Sudder Court. The date of the despatch of each extract shall be notified thereon.

Clause 2.—At any time within the period of one month from the date of the despatch of the extract referring to the appeal, or within such further time as the Sudder Court shall, for just and reasonable cause, allow for that purpose, the respondent may present a separate petition of special appeal in the Sudder Court upon any of the grounds upon which a special appeal will lie against any part of the decision of the lower Court not involved in the appeal of the opposite party, provided the respondent shall not previously have presented a special appeal in the cause. Such petition however shall not be inserted in any list to be prepared in pursuance of Clause 1, Sec. 7 of this Act.

Clause 3.—If the petition of appeal or the appeal of either party be dismissed, withdrawn or rejected, the application for appeal or the appeal, as the case may be, of the other party, shall be heard alone according to the provisions of this Act: otherwise, all applications for special appeal and all admitted special appeals relating to the same decision, shall respectively be heard together, unless the Sudder Court shall otherwise order in any case.

VIII. *Clause* 1.—It shall be lawful for one or more of the Judges of the said Sudder Courts, respectively, to hear applications for special appeals, duly presented as aforesaid, in the presence of the appellant, or his pleader, and also of the respondent or his pleader, or such of them as shall attend, and it shall be competent for such Judge or Judges to call for and peruse any document forming a part of the record of the cause; or to order the amendment of the petition of special appeal forthwith, or within such time as he or they may order, not exceeding one month from the date of such order; or to make an order of reference to the Court which pronounced the decree appealed from for further information or explanation; or to pass an order for admitting the appeal for hearing or for rejecting the same; or, if it shall appear that the facts have not been sufficiently recorded, or that the case is otherwise so insufficient that the Sudder Court could not, if the appeal were admitted, pass a final decree thereon, but for no other cause, to issue an injunction, setting forth the errors, irregularities, or other defects in the decision appealed against, and remanding the same to the Court by which the same shall have been passed, in order that such decision may be reviewed by the last mentioned Court, and that such order or decree may be passed thereon as shall be conformable to law. Provided always that no such remand shall be ordered as aforesaid, except upon grounds whereon a special appeal will lie under this Act. If any such application shall be heard by only two Judges, and they differ in opinion as to admitting the appeal for hearing, it shall be admitted.

Clause 2.—An order for admitting a special appeal for hearing shall specify, for the information of the Court, the grounds upon which it was admitted. But neither the Court nor the parties shall be confined to those grounds upon the hearing.

Clause 3.—If an order be passed for admitting the special appeal for hearing, the case shall be brought on to the file of the Court, to be heard and determined in due course.

Clause 4.—If an order for rejecting a special appeal or for remanding a case be made by one Judge only, such order shall not be final, but it shall be laid before another Judge of the same Court, who shall hear the application for the appeal in the presence of the appellant or his pleader, and also of the respondent or his pleader, or such of them as shall attend. If the second Judge be of opinion that the appeal ought to be rejected or the case remanded, he shall pass a final order to that effect; if he be of opinion that the appeal ought to be admitted, he shall pass an order for admitting the same, and the appeal shall thereupon be admitted, heard and determined in due course, in the same manner as if it had been admitted in the first instance.

Clause 5.—A final order for remanding a case shall not be made without notice to the respondent to enable him to appear and be heard.

Clause 6.—Any Judge by whom an order for admitting a special appeal shall be made may certify that in his judgment the decision of the lower Court is manifestly erroneous upon any of the grounds upon which a special appeal will lie, and thereupon the appeal may be set down for hearing in a list to be called the list of certified special appeals. All cases entered in such list may be called up in due course for hearing and decision according to the provisions of this Act without regard to the general list of special appeals pending in the Sudder Court.

Clause 7.—If an application for a special appeal be heard by a number of Judges sufficient according to the provisions of this Act to hear and determine the appeal, and it shall appear that the decision is manifestly erroneous, or that the case ought to be remanded, the appeal may be heard and determined forthwith, if the respondent or respondents be present or represented by a pleader or pleaders; otherwise the Court may order the case to be entered in the list of certified appeals, and the same shall be entered accordingly.

IX. *Clause* 1.—Every order for rejecting a special appeal shall state the reason for disallowing each of the grounds set forth in the petition, and every such order of rejection may be once reviewed by the Judge or Judges by whom the same was passed, or by any Judge or Judges sitting for or instead of him or them, if they or he shall think fit to review the same. Provided that no such review shall be allowed unless application for the same be made within three months from the date of such order.

Clause 2.—If any such order be rescinded, or if the Judges who shall review the same shall be equally divided in opinion, the appeal shall be admitted and the case brought on to the file of the Court, and heard and determined in due course.

Clause 3.—A petition for the review of such order shall be written on paper stamped with a Government stamp of the value of two Rupees a sheet.

X. *Clause* 1.—When any special appeal shall be admitted, the same shall be heard and determined by three or more of the Judges of the Sudder Court, and such hearing and determination shall be upon all the grounds whereon a special appeal will lie under this Act.

Clause 2.—The Sudder Court may at any time before or at the time of the hearing of any special appeal or any application for a special appeal allow either party to amend the grounds of objection set forth in his petition, or to add further grounds of objection thereto; or to urge and be heard by himself or his pleader in support of any objection not included in his petition, upon such terms and conditions as to postponement of the hearing, and as to the payment of costs or otherwise as the Court shall think just, to prevent the opposite party or his pleader from being taken by surprise or otherwise. Without such leave of the Court, neither party shall be allowed to urge ot be heard in support of any objection not set forth in his petition. But upon hearinr the application or determining the appeal the Sudder Court shall not be confined og the grounds of objection set forth in the Petition.

XI. The existing Laws and Regulations of the Presidencies of Bengal, Madras and Bombay, relating to special appeals shall continue in force, in the said Presidencies respectively, so far as they are not inconsistent with, or repealed by, this Act.

The 18*th November*, 1853.

ACT No. XVII. of 1853.

An Act to repeal Regulation VII. of 1816, *and to declare the law which is to be in force in the tract of land granted to Maharajah Imrit Rao.*

Whereas a tract of land situated near the town of Teroha, in the district of Banda, was granted as an independent Jagheer by the British Government to the Mahara-

jah Imrit Rao, and whereas by Regulation VII. of 1816, of the Bengal Code, it was enacted that from and after the date of that Regulation, the jurisdiction of the Courts of Civil and Criminal judicature and the operation of the general Regulations, should not extend to the tract of land aforesaid, and whereas Maharajah Benaik Rao, son of the said Maharajah Imrit Rao, died on the 6th day of July 1853, and it is now expedient to repeal the abovementioned Regulation; It is enacted as follows:—

I. Regulation VII. of 1816, of the Bengal Code, is hereby repealed.

II. The said tract of land, being part of the district of Banda, all Laws and Regulations now in force within that district shall be in force in the said tract of land.

III. All cases, Civil or Criminal, in which the cause of action arose, or the offence was committed, within the said tract of land, before the passing of this Act, may be tried and determined by the Courts of the said district of Banda, and the general Laws and Regulations now in force there, may be applied and administered by the said Courts in the trial and determination of such cases; but if in any Civil case it shall appear that the application of the said Laws and Regulations would operate unjustly if applied to the trial and determination thereof, it shall be lawful for the said Courts to try and determine the same according to equity and good conscience.

IV. Provided always, that no Court shall try or determine any case, Civil or Criminal, with respect to which a final decision was pronounced previously to the said 6th day of July 1853, by any Court or person within the said tract of land, having at the time of the decision lawful power and authority to pronounce it; and that with the exception of cases within the provisions of Section 4 of the said Regulation VII. of 1816, no act committed within the said tract of land prior to the 31st day of August 1853, shall be deemed an offence punishable under the provisions hereof, if at the time of the commission of such act the same was not contrary to the laws then in force in the said tract of land.

V. Nothing in this Act shall extend to any crime or offence within the provisions of Section 3 or 4, of the said Regulation committed before the passing of this Act, but every such crime or offence shall be dealt with and punished as if this Act had not been passed.

The 18*th November*, 1853.

ACT No. XVIII. OF 1853.

An Act for Regulating the sale of Spirituous Liquors, &c. in Cantonments.

WHEREAS it is expedient to regulate the sale of spirituous liquors, wine and intoxicating drugs within Military Cantonments; It is enacted as follows:—

I. If within any Military Cantonment or within any limits around the same to which the provisions of this Act shall be extended by an order of Government, to be publicly notified, any person not amenable to Articles of War or any Sutler or Camp follower shall knowingly barter, sell, or supply, or offer, or attempt to barter, sell, or supply, any spirituous liquor, wine or intoxicating drug, to, or for the use of any European Soldier, or to, or for the use of any European or Eurasian being a Camp follower or a Soldier's wife without a written license from the Officer Commanding at the Station, or from some person having sufficient authority from the Commanding Officer to grant such license, the person so bartering, selling, or supplying, or offering or attempting to barter, sell, or supply such spirituous liquor, wine, or intoxicating drug as aforesaid, shall be liable, on conviction before a Magistrate, to a fine not exceeding Fifty Rupees, or, in the discretion of the Magistrate, to

imprisonment, with or without hard labour, for any period not exceeding one calendar month.

II. If any person convicted of an offence under Section 1, of this Act, shall be convicted under that Section of an offence subsequently committed, he shall be liable to a fine, not exceeding One Hundred Rupees, or to imprisonment, with or without hard labour, for any period not exceeding three calendar months; and in such case any spirituous liquor, wine, or intoxicating drug, within such Cantonment, or limits, which at the time of the commission of such subsequent offence shall belong to, or be in the possession of such person, shall, without further proof, be deemed to be in the possession of such person for the purpose of being supplied to European Soldiers contrary to the Provisions of this Act, and shall be liable to be seized and confiscated.

III. If any Camp follower or Military pensioner, or the wife or widow of any Soldier, Camp follower or Military pensioner shall within such Cantonment or limits remove, convey, or have in his or her possession any quantity of spirituous liquor, or wine exceeding one seer or quart, without a permit, to be signed by the Officer in Command, or such other Officer as may be appointed by him to grant permits under this Act; every such person shall be liable upon conviction to a fine not exceeding Fifty Rupees, and for any subsequent offence to a fine not exceeding One Hundred Rupees, or to imprisonment, with or without hard labour, for any term not exceeding three calendar months.

IV. Section 3 of this Act shall not apply to any liquor brought into a Cantonment for the private use of any Commissioned Officer.

V. If any person, subject to the provisions of this Act, shall be found committing any offence contrary thereto, any police Officer, authorized under this Act, may immediately, without warrant, arrest such person, and also seize any spirituous liquor, wine, or intoxicating drug, together with any vessel containing the same, and any thing used for the purpose of removing, conveying, or concealing the same, which may be found in his possession, and shall thereupon, without delay, take such person, together with the things so seized, before a Magistrate or other officer having jurisdiction to punish the offender.

VI. Any person, who shall obstruct any Police Officer in making any arrest or seizure, under this Act, and any Police Officer who shall not, without unreasonable delay, take the person, or thing so arrested, or seized, before a Magistrate, or other officer having jurisdiction to punish the offence, shall be liable, on conviction before a Magistrate, to a fine, not exceeding One Hundred Rupees.

VII. Any Police Officer, who, under color of this Act, shall, without probable cause, make any arrest, or seizure, without a warrant, shall, on conviction before a Magistrate, be liable to a fine not exceeding One Hundred Rupees, which fine or any part of it may be ordered by the Magistrate to be paid to the person aggrieved.

VIII. No Police Officer shall be competent to act under the provisions of Section 5 of this Act, unless he shall have a general, or special authority so to do, granted to him in writing by the Commanding Officer, or other Officer empowered by him to grant the same, or by the Officer in the immediate charge of the Police.

IX. In case of a conviction for any offence under this Act, the convicting Magistrate may adjudge any liquor, wine, or intoxicating drug, in respect of which the party shall be convicted, and any other spirituous liquor, wine, or intoxicating drug, which shall be found in his possession at the time of committing the offence, and any vessel containing the same, together with any thing used for the purpose of conveying, removing, or concealing the same, or any part thereof, to be confiscated; and such Magistrate may order the whole, of any part, or parts of any fine imposed under this

Act, to be paid, as soon as the same shall be realized, to the person upon whose information such conviction shall take place, or to the Officer who shall have apprehended the offender, or seized any of the goods adjudged to be confiscated.

X. A Magistrate may order any thing seized under the provisions of this Act, in respect of which any person shall be charged with an offence, to be detained until the person in whose possession the same shall have been seized shall be convicted, or acquitted of the offence charged. If the person shall be acquitted, the things so seized shall be restored; if he shall be convicted, such of the things only, if any, as shall not be adjudged by a Magistrate to be confiscated, shall be restored; the remainder shall be dealt with as confiscated.

XI. No appeal shall lie from any order or conviction under the provisions of this Act.

XII. European British subjects shall be amenable to the jurisdiction of a Magistrate for any offence against the provisions of this Act.

XIII. Within the Presidency of Bombay the Superintendent of bazars may punish any person for any offence against the provisions of this Act in the same manner and to the same extent as he is now authorized to do in any of the cases mentioned in Clause 3, Section 26, Regulation XXII. of 1827 of the Bombay Code.

XIV. This Act shall not apply to the sale, or supply of any article for medicinal purposes, by recognized medical practitioners, chemists, or druggists.

XV. In the construction of this Act, the word "Cantonment" shall include a "Fortress, or Garrison," or *Military bazar station;* the word "Soldier" shall include any Non-Commissioned Officer; the word "Magistrate" shall include a Joint Magistrate, or any person lawfully exercising the powers of a Magistrate, or a Justice of the Peace; the words "spirituous liquor" shall include toddy in a state of fermentation, or after it has been fermented. Words in the singular number shall include the plural, and words denoting the masculine gender shall include the feminine.

XVI. This Act shall not come into operation before the 1st day of January 1854, and shall not take effect within any limits around a Cantonment which shall be specified in any order of Government before the expiration of one month from the date of the notification of such order, and any order for extending the provisions of this Act to any limits around a Cantonment may from time to time be varied, altered or suspended by Government.

The 2nd December, 1853.

ACT No. XIX. of 1853.

An Act to amend the Law of Evidence in the Civil Courts of the East India Company in the Bengal Presidency.

Whereas the law of evidence administered by the Civil Courts of the Presidency of Fort William in Bengal, and the rules for the attendance and examination of witnesses and the production of documents in such Courts, require amendment; It is enacted as follows:—

I. Sections 33, and 73, Regulation XXIII. 1814, of the Bengal Code, so far as they are inconsistent with the provisions of this Act, Section 11, Regulation XXIV. 1814, of the same Code, except so far as it relates to the signing and issuing of any process of Court to which the signature of the Judge may not be specially required, and Section 1, Act VI. 1843, so far as it authorizes the examination of witnesses according to the rules established by Section 11, Regulation XXIV. 1814, aforesaid, are hereby repealed.

II. In any regular or summary suit, appeal, or proceeding in any of the Civil Courts of the East India Company, and also in any summary suit, or other proceeding of a civil nature before any Court, Officer, or other person having by law or by consent of parties authority to examine witnesses, any party to such suit, appeal or proceeding, shall be competent and entitled to give evidence as a witness either on his own behalf, or on behalf of any other party to the suit, appeal, or proceeding in the same manner as if he were not a party to the same. Provided that no party to a suit, appeal, or proceeding, who shall offer himself as a witness therein, shall, without the consent of all parties thereto, be examined otherwise than in open court, in such manner as the court may direct having regard to the usages and customs of the country, unless such examination shall be taken under, and subject to the Rules prescribed by Section 32, or 38, of this Act.

III. No person shall, by reason of any interest in the result of any suit or of any interest connected therewith, or by reason of relationship to any of the parties thereto, be incompetent to give evidence in any such suit.

IV. A husband or wife shall be competent to give evidence for or against the other, provided that the examination shall take place in open Court in such manner as the Court may direct, having regard to the usages and customs of the country, or that it be taken and read under, and subject to the Rules prescribed in Section 32, or 38, of this Act; provided also that any communication made by husband or wife to the other during their marriage shall be deemed a privileged communication, and shall not be disclosed without the consent of the person making the same, unless such communication shall relate to a matter in dispute in a suit pending between such husband and wife.

V. Any party to a suit may be compelled to give evidence as a witness therein and also to produce any document in his possession or power, in the same manner, by the same process, and subject to the same Rules, as if he were not a party to the suit, except so far as is otherwise provided by this Act. Provided that no Court need to compel the attendance of any party to such suit, for the purpose of giving evidence therein if such party shall satisfy the Court that he has no personal knowledge of any material subject of inquiry in the suit, and that he cannot give any material evidence therein. Nothing in this Clause shall exempt any party to a suit from being summoned to produce a document.

VI. After the parties in a suit in which according to the practice of the Court a day is fixed for the hearing shall have filed their exhibits and lists of witnesses, the Court shall by an order in writing, appoint a day, not less than fifteen days after the date thereof, for the examination of witnesses and the hearing of the suit.

VII. The list of witnesses required to be furnished in any suit shall include the names of all the witnesses, whether parties to the suit or not, whom the party filing the list may intend to call as witnesses or whom he may require to be summoned to give evidence or produce any document, also a list of the documents which he may require to be produced.

VIII. If any party to a suit shall require the attendance of any other party thereto as a witness to be enforced, he shall by himself or his pleader make a special application to the Court for an order for a summons to compel the attendance of the party, and shall shew to the satisfaction of the Court sufficient grounds in support of such application, otherwise a summons shall not be issued. In cases in which, according to the practice of the Court, a day is fixed for the hearing, the application shall be made before such day shall be fixed.

IX. The Court, upon the application of the pleader of any party to a suit whose attendance as a witness is required, or without such application, if the Court think fit

so to do, may, before making such order, cause notice to be given to the party or his pleader fixing a day for such party to shew cause why he should not attend and give evidence, and may also, from time to time if necessary, for good and sufficient cause, enlarge the time for such purpose.

X. *Clause* 1.—In support of the cause shown, the Court shall receive a declaration in writing of the party, if signed by him, and delivered into the Court by himself or his pleader.

Clause 2.—If the party making such declaration shall wilfully and corruptly make any false statement therein, he shall be deemed guilty of perjury, and shall be proceeded against, and upon conviction punished accordingly.

XI. If no sufficient cause be shown on the day fixed or upon any subsequent day to which the Court shall enlarge the time for that purpose, the Court shall cause a summons to be issued for compelling the party to attend and give evidence.

XII. The Court, on the requisition of any party to a suit, or his pleader, may cause a summons to be issued to every person who shall be required to produce any material document. Previously to the issuing of any summons for the attendance of any person to give evidence or produce a document, the party requiring the same shall pay into Court such sum as shall appear to the Court to be reasonable, to defray the travelling and other expenses of such person in passing to and from the Court in which he may be required to attend and give evidence, and for one day's attendance thereat. In fixing the sum to be paid into Court, regard shall be had to the rules, if any, established by the Court or Board, if any to which such Court shall be subordinate. The sum, so paid into Court shall be tendered to the witness at the time of serving the summons if it can be served personally. In addition to the sum so paid into Court, the Court before whom any person who may attend in pursuance of a summons, or proclamation to give evidence or produce any document, may order such further sum to be paid to the person so attending by the person causing the summons or proclamation to be issued, as may appear to be necessary to defray his travelling and other expenses, and also the expenses of his detention under the summons, or proclamation, and in case of default in payment, may order such sum to be levied by attachment and sale of the goods of the person ordered to pay the same, and the witness shall not be bound to give evidence or produce any document until such sum shall be paid.

XIII. Every summons for the attendance of a witness to give evidence, or to produce a document shall require the intended witness to attend at a time and place to be named in the summons, and shall also state whether the attendance of the witness is required for the purpose of giving evidence, or producing a document, or for both purposes. If a witness, whether a party to the suit or not, is required to attend, and to produce before the Court any document alleged by the party summoning him to be in his possession or power, a direction to attend the Court with such document shall be inserted in the summons, and the document which the witness may be so called upon to produce shall be described in the summons with convenient certainty.

XIV. Every such summons shall, if possible, be served personally upon the person thereby required to attend, by showing the original to such person, and at the same time delivering or tendering to him a copy thereof.

XV. Such service must be made a sufficient time before the time specified therein for his attendance, to allow the witness a reasonable time for preparation and for travelling to the place at which his attendance is required.

XVI. Any person, whether a party to the suit or not, may be summoned to produce a document without being summoned to give evidence, and any person summoned merely to produce a document shall be deemed to have complied with the summons if he cause such document to be produced, instead of attending personally to produce the same.

XVII. Any person who shall be summoned to appear and give evidence shall be bound to attend at the time and place named for that purpose.

XVIII. Any person attending to produce a document may be called upon to produce the same without being sworn or examined as a witness.

XIX. A witness not a party to the suit or proceeding in which he is summoned, shall not be bound to produce his own title deeds, unless he shall have agreed in writing with the party requiring the production thereof, or with some person through whom he claims to produce such deeds.

XX. A witness, whether a party or not, shall not be bound to produce any document relating to affairs of State, the production of which would be contrary to good policy, nor any document held by him for any other person who would not be bound to produce it if in his own possession.

XXI. A witness being a party to the suit shall not be bound to produce any document in his possession or power which is not relevant or material to the case of the party requiring its production, nor any writing or correspondence which may have passed between him and any legal professional adviser. If any party, however, offer himself as a witness, he shall be bound to produce any such writing or correspondence, in his custody, possession, or power, if relevant or material to the case of the party requiring its production.

XXII. Every witness summoned to produce a document shall, if the same be in his custody, possession, or power, be bound to produce it, or cause it to be produced to the Court, although there be a valid objection to the right of the party calling for it to compel its production, or to the reading, or putting it in as evidence, or to the disclosure of the contents thereof; the validity of any such objection made by the person producing the document shall be determined by the Court, and for the better determination thereof, it shall be lawful for the Court to receive any admissible evidence which the person producing the document may give respecting it, and it shall also be lawful for the Court to inspect the document, and if necessary to call to its assistance any person whom it may appoint to interpret the same. Such person, however, shall be previously sworn truly to interpret the same to the Court alone, and not to disclose the contents thereof except to the Court, unless the Court shall order the document to be given in evidence. If the Court shall be of opinion that such document should not be produced, the Court shall not disclose the contents thereof to the parties, or take any note, or make any mention of the contents or effect thereof in its judgment or proceedings, but shall return the document at once to the party producing the same, having previously marked the same for the purpose of identification, and shall record in its proceedings that a document, identifying it by the mark put upon it, was called for, by the person, naming him, who shall call for its production, that the person having the possession of the document, naming him, objected to its production, and the reasons, if any, for such objection, together with the reasons of the Court for refusing to compel its production. If the Court shall refuse to enforce the production of a document, or to receive the same in evidence, the Court of appeal may, upon a regular appeal, compel the production of such document, and if such Court shall think that the production of the same ought to have been enforced, or that it ought to have been received in evidence, may themselves enforce its production, and receive it in evidence, and decide the case upon such document, coupled with the other evidence given in the suit.

XXIII. A barrister, attorney, or vakeel, shall not, without the consent of his client, disclose any communication made by the client to him in the course of his professional employment, nor any advice given by him professionally to his client, nor the contents of any document of his client, the knowledge of which he shall have

acquired in the course of his professional employment. The privilege, however, is that of the client, and if any party to a suit shall give evidence therein at his own instance, he shall be deemed thereby to have waived his privilege, and to have consented to the disclosure by such barrister, attorney, or vakeel, of any such matter as aforesaid, which may be relevant, and which the barrister, attorney, or vakeel would have been bound to disclose, but for the privilege of his client, and the barrister, attorney, or vakeel, shall be bound, upon examination, to disclose any such matter.

XXIV. If any witness, whether a party to a suit or not, to whom any summons to give evidence or produce a document, shall have been personally delivered shall, without lawful excuse, fail to comply with such summons as required by this Act, or attending, or being present in Court, shall, without lawful excuse, refuse to give evidence, or to subscribe his deposition, or to produce any document in his custody or possession, named in such summons as aforesaid, upon being required by the Court so to do, the Court shall have full power and authority to issue an order in writing to the nazir to apprehend and bring the witness before the Court; or, if he be already before the Court, to take him into custody. And such Court may impose on such witness a fine not exceeding five hundred rupees for his default or refusal, realizable by attachment and sale of his property, and may commit him to close custody until he shall consent to give his evidence, or to sign his deposition, or to produce the document, and any such fine as aforesaid shall be levied and recovered by attachment and sale of the property of such person. Provided that no fine imposed under the provisions of this Section shall exceed the amount of the property in dispute in the suit. If any such person shall abscond, or keep out of the way, so that he cannot be seized or brought before the Court, his property shall be liable to attachment and sale in the same manner as is provided by Section 27 of this Act, with respect to a witness on whom the service of a summons cannot be effected. If such person shall be a party to the suit, the Court, instead of proceeding in the manner above pointed out, may, if the witness be a plaintiff, appellant, or petitioner, dismiss the complaint, appeal or petition, with costs against such party, or if such party be a defendant or respondent, may hear, and decide the case against such defendant or respondent *ex-parte*. If any such complaint, appeal or petition shall be dismissed for such cause, the complainant, or petitioner shall be debarred from preferring any other petition, appeal or complaint in respect of the same matter.

XXV. Any person present in Court, whether a party or not, may be called upon and compelled by the Court to give evidence, and produce any document then and there in his actual possession, or in his power, in the same manner and subject to the same rules as if he had been summoned to attend and give evidence, or to produce such document, and may be punished in like manner for any refusal to obey the order of the Court.

XXVI. Any person, whether a party to the suit or not, to whom a summons to attend, and give evidence, or produce a document, shall be personally delivered, and who shall, without lawful excuse, neglect or refuse to obey such summons, or who shall be proved to have absconded, or kept out of the way to avoid being served with such summons, and any person who, being in Court, and upon being required by the Court to give evidence, or produce a document in his possession, shall, without lawful excuse, refuse to give evidence, or sign his deposition, or to produce a document in his possession, shall, in addition to any proceedings under this Act, be liable to the party at whose request the summons shall have been issued, or at whose instance he shall be required to give evidence, or produce the document, for all damages which he may sustain in consequence of such neglect, or refusal, or of such absconding, or keeping out of the way as aforesaid, to be recovered in a civil action.

XXVII. If a person, whether a party to a suit or not, for whose attendance either to give evidence or produce a document a summons shall be issued, cannot, after diligent search, to be certified by a return of the nazir, be found, the Court upon proof that the evidence of such witness, or the production of the document is material, and that the witness absconds, or keeps out of the way to avoid being served with a summons, and that he could not, after diligent search, be found or served with the summons, may cause a proclamation requiring the attendance of such person to give evidence, or produce the document, at a time and place to be named therein, to be affixed, in the presence, and with the attestation of two respectable householders in some conspicuous place, upon or near to his house or place of abode; and if such person shall not attend at the time and place to be named in such proclamation, and it be proved to the satisfaction of the Court that the witness cannot be found, his property, real and personal, to such amount as the Court shall deem reasonable, (but subject to the same limitation as to the articles exempt from attachment as in case of attachment for arrears of rent) shall be liable, under an order of the Court, to attachment and sale. Provided always, that when the order for attachment and sale shall have been issued by any Court subordinate to the Court of Sudder Dewanny Adawlut, a summary appeal shall lie within one month from the date of the order of the subordinate Court, to the Court to which its orders are generally appealable; and that the Rules for the time being in force in regard to sales made in execution of decrees, as to the mode and period of attachment and the place or manner of sale, and as to claims of third parties to property attached and notified for sale, shall be held applicable to such sales.

XXVIII. *Clause* 1.—The cost of the attachment shall be borne in the first instance by the party applying for it, and the Court issuing the summons and attachment shall not proceed to sale of the property, but shall order the same to be released from attachment if the witness shall appear and satisfy the Court that he did not abscond, or keep out of the way to avoid service of a summons, and that he had not notice of the proclamation in time to attend at the time and place named therein. Upon the appearance of such witness, the Court shall make such order in regard to the costs of the attachment as it shall deem fit. If the witness appearing shall fail to satisfy the Court that he did not abscond, or keep out of the way to avoid service of a summons, and that he had not such notice of the proclamation as aforesaid, it shall be in the discretion of the Court to order the property attached or any part thereof to be forfeited and sold for the purpose of satisfying all costs incurred in consequence of such defaulter absconding, or keeping out of the way, and such fine not exceeding the amount in dispute in the suit as the Court may deem fit to impose upon the witness having regard to all the circumstances of the case, and the condition in life of the witness, or the Court may order the property to be released from attachment upon payment of such costs and fine as aforesaid.

Clause 2.—An order made in pursuance of this Section shall be subject to appeal in the same manner and within the same period, as an appeal against an order for attachment and sale under the last preceding Section of this Act.

XXIX. All orders as to fines, or the levying thereof, or as to imprisonment under this Act, shall be subject to a similar appeal within one month from the date of the order.

XXX. It shall not be necessary to postpone the hearing or decision of a case for the non-production of a document, or for the evidence of a witness, who may neglect, or refuse to attend, or who shall abscond, or keep out of the way, or who cannot be served with a summons, beyond such period as shall appear proper to the Court, having regard to all the circumstances of the case; provided that when a summons shall have been issued for the attendance of a plaintiff or appellant in a suit to give evidence,

or produce a document, the Court shall, at the request of the defendant or respondent, unless there be good reason to the contrary, postpone the hearing or decision until the plaintiff or appellant can be personally summoned, or shall attend and give evidence, or produce the document required, and that where a summons shall have been issued for the attendance of a defendant or respondent to give evidence, or produce a document, the hearing or decision shall, upon the application of the plaintiff or appellant, be postponed in like manner, unless there be good reason to the contrary, until the defendant or respondent can be personally summoned, or shall attend and give evidence, or produce the document required.

XXXI. On the day appointed for the hearing, the evidence of the attending witnesses shall be taken orally in open Court, in the presence and hearing, and under the personal direction and superintendence of the Judge. The evidence of each witness given upon such examination shall be taken down in writing, by or in the presence and under the superintendence of the Judge, not ordinarily by question and answer, but in the form of a narrative, and when completed shall be read over to the witness, and signed by him in the presence of the Judge, and of the parties to the suit or their vakeels, or such of them as may think fit to attend. In case the witness shall refuse to sign the deposition, the Judge shall sign the same, and record the reason, if any, given by the witness for such refusal, together with such remarks thereon as the Judge shall think fit to make. It shall be in the discretion of the Judge to take down, or cause to be taken down, any particular question and answer if there shall appear any special reason for doing so, or any party, or his vakeel, shall require it. If any question put to a witness be objected to by either of the parties, or their vakeels, and the Court shall allow the same to be put, the question and answer shall be taken down, and the objection, and the name of the party making it, shall be noticed in taking down the depositions, together with the decision of the Court upon the objection. The Judge shall also record such remarks as he may think material, respecting the demeanor of any witness whilst under examination.

XXXII. In cases where the evidence is needed of females, who, according to the custom of the country, ought not to be compelled to appear as witnesses in a Court of Justice, ~~and in~~ which the Court shall be of opinion that the ends of justice require and justify it, such Court may issue a commission to any Officer of the Court or other person, to be named in such commission, for the examination of such females in the hearing of the parties to the suit or their vakeels, in such manner as the Court may direct, having regard to the custom and usage of the country, and with liberty to the parties or their vakeels, to cross-examine, anything in Section 5, Act VII. 1841 to the contrary notwithstanding.

XXXIII. On or before the day appointed for trial, the Court may, for any sufficient reason, such as the unavoidable absence of any material witness, or for other good cause, on the application of either party, postpone the hearing to another day, to be named, on such terms as to the payment to the opposite party of his costs occasioned by the postponement, and otherwise as to the Court shall seem reasonable. In such case notice in writing shall be given to each of the witnesses to attend and give evidence, or to produce a document on the substituted day, instead of the day mentioned in their summonses, if there be time to do so and the Judge shall so order. The notice shall be served in the same manner as a summons. The service of such notice shall have the same effect as if the substituted day had been originally named in such summons as the day for the appearance in Court to give evidence or produce a document, and all the provisions in this Act relating to summonses to give evidence or produce documents, shall extend to such notices in the same manner, as if such notices had been expressly mentioned in such provisions. If the application be too

late to serve such notices, the Court may order that the examination of any witness who may be present, or shall attend in pursuance of a summons, shall be proceeded with, and that the further hearing of the case, after the examination of such witness, shall alone be postponed.

XXXIV. Unless the hearing be postponed in manner aforesaid, it shall commence on the day appointed, or as soon afterwards as the business which may be pending before the Court and may be entitled to priority will allow, and the recording of evidence on the trial of any suit when begun under the rules above enacted, shall, unless there be good and sufficient reason to the contrary, (which reason shall be recorded) continue on the same day, or on consecutive business days, until the whole of the evidence of the witnesses present shall be heard. The parties, or such of them as desire it, shall then be heard either by themselves or their pleaders orally on the merits of the case as regards the issues both of fact and law, and after considering the argument and evidence, the Judge shall record his judgment under Act XII. 1843.

XXXV. If the Court, after the evidence of all the witnesses shall have been heard, and before hearing the pleaders or recording the judgment, shall think it necessary for the ends of justice to inspect any document, or to examine any party to the suit, or any other person whose evidence may appear to be material, the Court, of its own accord, may cause such party or person to be summoned to attend as a witness, to give evidence, or to produce such document, if in his possession, on a day to be appointed, and may examine such party or person as a witness in open Court, or in such other manner as the Court may direct, upon any question which the party or witness may be bound to answer and the Court may think necessary, and may also compel the production of any document mentioned in such summons, which any such person may have in his possession or power, and be bound to produce. Any witness so called shall be subject to the cross-examination of either party, or his vakeel. If such person, whether a party or not, shall be a female, who, according to the custom of the country, ought not to be compelled to appear as a witness in a Court of Justice, the Court may order such person to be examined in the manner provided by Section 32 of this Act, upon such questions as it may direct. The Commissioner or other person authorized to take the examination in such case may put such further questions as in his judgment may be necessary, or may arise out of the answers to be given to the questions directed by the Court.

XXXVI. The Judge may cause public notice to be given in Court, either before or during the examination of any witness, requiring all or any other witnesses, whether parties or not, who have been summoned or inserted in the list of witnesses in the same cause, to leave and to remain out of Court until further order. Any witness in a cause who without lawful excuse shall wilfully remain in, or come into Court, contrary to such notice, shall be punishable in the same manner as for a contempt of Court in open Court. Whenever such notice shall be given, the consequence of disobedience thereto shall be publicly explained at the time of giving the notice.

XXXVII. Any party to a suit, appeal or proceeding who may be examined as a witness therein, shall, except as otherwise provided by this Act, be examined according to the rules for the time being in force as to the examination of witnesses not being parties to the suit, and shall be punishable for any false evidence given by him, in the same manner as if he were not a party.

XXXVIII. The words "witness" and "witnesses" in Act VII. 1841, shall respectively include any party or parties to a suit, and the said Act shall be read as if the words "or party" "or parties" had been used in such Act, in conjunction with the words "witness" or "witnesses" respectively. Provided that the deposition of a party taken under the provisions of this Section at the instance of any opposite party may

be read in evidence by, or on behalf of, such last-mentioned party, without the proof required by Section 5 of the said Act. Provided also, that no deposition of any party taken under the provisions of this Section shall be read or used in evidence unless taken and read at the instance of some opposite party, or unless it shall be proved that the deponent is unable, from sickness or infirmity, to attend to be personally examined, or is, without collusion, or any reference to the suit, at so great a distance from the Court, that, in the judgment of the Court, it would be unreasonable to require his personal attendance in Court for the purpose of giving such evidence, in which last-mentioned case it shall be discretionary with the Court, having regard to the nature of the case and of the evidence given, either to allow or to refuse such deposition to be read.

XXXIX. No appeal shall lie from any order or decision of a Judge with respect to summoning or examining any party to a suit, or as to allowing a deposition to be read under the Section next preceding.

XL. If any party to any such suit as aforesaid shall, in any pleading or statement, refer to any document in his possession or power, as a material proof or document in support of his claim or defence, he shall file such document with the pleading or statement, unless the Court shall, for good and sufficient cause, extend the time for filing the same; and any adverse party shall be entitled, by himself, or his vakeel, to inspect and take a copy of the document.

XLI. In the construction of this Act, unless where it is otherwise expressly provided, or there is something in the subject or context repugnant to such construction, or which would render such construction inapplicable to the case, the word "Court" shall mean any Civil Court of the East India Company, and shall include any Judge or other officer or person mentioned in Section 2 of this Act; the word "Judge" shall be understood to mean the chief judicial authority presiding in any such Court, and shall include any officer or person having, by law, or consent of parties, authority to examine witnesses and to act judicially; the word "suit" shall be deemed to mean and include any suit, appeal or proceeding mentioned in Section 2; the word "witness" shall include all persons competent and liable to give evidence, whether parties to any suit or proceeding or not. Words importing the masculine gender or singular number shall include the feminine gender or plural number, and *vice versâ.*

XLII. This Act shall extend only to Civil proceedings, and to the Presidency of Fort William in Bengal, and shall not include any of Her Majesty's Supreme Courts of Judicature.

XLIII. The provisions of Sections 9, 10 and 11 of this Act shall not extend to the Zillah of Chittagong or Sylhet.

XLIV. This Act shall come into operation on the 1st day of January 1854.

The 2nd December, 1853.

ACT No. XX. OF 1853.

An Act to amend the Law relating to Pleaders in the Courts of the East India Company.

WHEREAS it is expedient to amend the law relating to Pleaders in the Courts of the East India Company, it is enacted as follows:—

I. Section 16, Regulation XXVII. of 1814 of the Bengal Code, and Section 16, Regulation XIV. of 1816 of the Madras Code, are hereby repealed.

II. No Pleader shall be bound to attend in any of the Courts of the East India Company, on any day fixed for the transaction of Civil business, or to notify

to the Court his inability to attend, unless he shall be employed in some cause or business which, according to the practice of the Court, may be heard or transacted therein on that day, any thing in any law or regulation to the contrary notwithstanding.

III. Every attorney on the roll of any of Her Majesty's Supreme Courts of Judicature in India shall be entitled as such to plead in any of the Sudder Courts of the East India Company, subject however to all the rules for the time being in force in the said Sudder Courts respectively, applicable to Barristers pleading therein, whether relating to the language in which the Court is to be addressed or to any other matter.

IV. That part of Section 4, Act No. I. of 1846, which provides that no person shall be admitted a Pleader in any of the Courts of the East India Company, unless he have obtained a Certificate in such manner as shall be directed by the Sudder Courts that he is of good character and duly qualified for the Office, shall not extend to Barristers or Attornies of any of the said Supreme Courts; but every such Barrister and Attorney shall be entitled as such to plead in any of the Courts of the East India Company subordinate to the Sudder Courts, subject to all the rules in force in the said subordinate Courts respectively applicable to Pleaders therein, so far as such rules relate to the language in which the Court is to be addressed or to any other matter connected with pleading therein.

The 8th December, 1853.

ORDERS OF THE GOVERNMENT,

NORTH WESTERN PROVINCES,

For 1853.

No. 3.

Notification,—Financial Department,—Fort William, the 22nd January, 1853.

Notice is hereby given, that the 5 per Cent. Transfer Loan, comprising the Book Debt of the 31st December 1834,—the Book Debt of the 10th August 1835,—the Book Debt of the 15th January 1836, and the Promissory Notes of the Loan dated the 31st December 1834, will be discharged on the 22nd day of April 1854, when payment will be made at the option of the Creditors, either in Cash in India, or by Bills on the Hon'ble the Court of Directors, at 12 months' date, and 2*s.* 1*d.* per Sicca Rupee, with power to the Court to postpone payment of those Bills for one, two or three years, upon allowing interest at 5 per Cent. per annum for the period of postponement.

No. 2.

In accordance with the advertisement of the Government of India, in the Financial Department, of the 17th June 1835, this Notice of payment shall be considered as equivalent to a tender of payment on the said 22nd day of April 1854, and all interest will cease from that day.

No. 3.

Proprietors of the Stock and Promissory Notes in the 5 per Cent. Transfer Loan will be permitted, on or before the 22nd day of July 1853, to subscribe the amount of such Stock or Promissory Notes into a New Loan, to be held in the form of Stock, and to bear an interest at the rate of 4 per Cent. per annum from the said 22nd day of April 1854. Such interest to be paid to Proprietors resident in India at the place of Registry, and if resident in Europe at their option either in Cash in India, or by Bills on the Court at twelve months' date, and Two Shillings and One Penny the Sicca Rupee.

No. 4.

Proprietors who may subscribe their 5 per Cent. Transfer Loan Stock or Promissory Notes of that Loan into the Four per Cent. Transfer Loan shall not be subjected on this operation to the Fees prescribed in the Rules for the Government Agency.

No. 5.

The Stock of the New Loan will be transferrable only in Books to be kept in Bengal, at Madras, at Bombay, and in London, and not by endorsement of Stock Receipts, and the Stock Accounts may, at the option of the Proprietors, be transferred from the Books in India to the Books in London, and *vice versâ*, as in the case of Stock of the 5 per Cent. Transfer Loan.

No. 6.

After the transposition of Stock Accounts to the London Books the interest payable on such Stock will be issued at the East India House at the rate of Two Shillings and One Penny per Sicca Rupee, by Dividend Warrants, payable at the Bank of England, at the same time as when the Bills would have become due had the remittance of interest previously been received by Bills of Exchange drawn upon the Court, under the option allowed in the 3rd Article of the present notice.

No. 7.

Proprietors of Stock in the Five per Cent. Transfer Loan, whose accounts may be open in the London Books on the 22nd day of April 1854, who shall not, on or before the 22nd day of July 1853, express their assent in writing at the East India House in London to the conversion of their 5 per Cent. Transfer Loan Stock into Stock of the 4 per Cent. Transfer Loan, will receive payment of their principal, together with the Interest due thereon, up to the 22nd day of April 1854, by a cash payment in London, on the 25th day of April 1855, the date at which the Bills would become due if the remittance of principal and interest were made from India by means of Bills of Exchange drawn upon the Court of Directors. The Court, however, reserving to themselves, in accordance with the stipulation in the first Article of this notice, the power to postpone payment of such principal for one, two or three years upon allowing interest at 5 per Cent. per annum for the period of postponement.

No. 8.

No part of the 4 per Cent. Transfer Loan shall be paid off before the 22nd day of April 1874, and whenever it shall be redeemed a previous notice of fifteen months shall be given by Public Advertisement, which notice may be issued at any time after the 21st of January 1873. Payment shall then be made at the option of the Creditors, either in Cash in India or by Bills upon the Court of Directors at twelve months' date and two Shillings and One Penny the Sicca Rupee, with power to the Court to postpone payment of those Bills for one, two or three years, upon allowing Interest at 4 per Cent. per annum for the period of postponement. The notice of payment, duly advertised as above, and published in the *Government Gazette* of Calcutta, shall be considered as equivalent to a Tender of payment on the date advertised for discharge, and all interest will cease from that day.

No. 9.

Proprietors of Stock in the 4 per Cent. Transfer Loan whose stock accounts may be opened on the London Books on the 22nd day of April 1874, will be paid the amount of principal, together with the Interest due thereon up to that date, by a cash payment in London on the 25th day of April 1875, at the rate of Two Shillings and One Penny the Sicca Rupee, such payment of principal to be subject to the power of postponement, upon the conditions mentioned in the preceding Article.

Notification,—Judicial Department,—Camp,—the 8th February, 1853.

No. 372.

In re-publishing, for the information of the Civil Authorities, the following order passed by the Most Noble the Governor General of India in Council in the Military Department, the Hon'ble the Lieutenant-Governor requests that all

officers responsible for the management of Burdasht Khánas on the Trunk Road, will use every precaution for providing that an adequate stock of Firewood cut into small pieces for immediate use, is kept up at each of the encamping grounds.

GENERAL ORDER BY THE MOST NOBLE THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

No. 830 of 1852.

Fort William, the 30th December, 1852.

It having been ascertained that, on due notice being given of the probable date of arrival of European Corps and Detachments at the several halting places, Firewood, cut into small pieces for immediate use, can be supplied from the Burdasht Khánas or store houses on the Grand Trunk Road, and also in the Punjab, whether on the Main Road to Peshawar or any of the cross roads, carriage for Firewood, which has heretofore been customarily allowed to European Troops when marching, being now unnecessary, is to be discontinued.

2. In order to prevent inconvenience to the Soldier, Commanding Officers, when preparing Indents* on the Civil Authorities for supplies, will be careful to note the quantity of Firewood cut into small pieces that will be required for their men at each halting ground.

As directed in G. O. V. P. in C. No. 15 of 21st January 1833, and Circular Adjutant General's Office, No. 1553, dated 15th October 1832, see pages 1 to 11 of the Selected Orders regarding the March of Troops, published under the Authority of the Hon'ble the Lieutenant-Governor, N. W. P., Edn. 1849.

No. 4.

Notification,—Financial Department,—Fort William,—the 1st February, 1853.

Notice is hereby given, that the Sub-Treasurers of Fort William, Fort St. George, and Bombay respectively, are authorized to receive applications for Transfer of the 4 per Cent. Transfer Loan, advertized on the 22nd January last, when duly made under the terms and conditions of that advertisement. Proprietors who may desire to Transfer Stock or Promissory Notes of the 5 per Cent. Transfer Loan to the 4 per Cent. Transfer Loan, will be required to surrender their Stock Receipts or Notes, as the case may be, to the Sub-Treasurer concerned, and will receive from that Officer in lieu thereof a Sub-Treasurer's Certificate in the accompanying Form.

FORM A.

No. ———.

Fort William, or as the case may be.

I hereby certify that ———————— has this day by Transfer of Stock Receipt No. ———————— (or Promissory Note or as the case may be) ———— of the 5 per Cent. Transfer Loan, paid into the East India Company's Treasury the sum of Co.'s Rs. ———————— in exchange for which ———— ———— will receive from the Deputy Accountant General to the Government of India a Stock Receipt in favor of ———————— bearing interest at 5 per Cent. per annum from ———————— up to the 22nd April 1854, payable half-yearly

according to the conditions of the advertisement issued by Government on the 1st July 1835, and from and after the 22nd April 1854, a fresh Stock Receipt bearing interest at 4 per Cent. per annum payable half-yearly, according to the terms of the advertisement issued by Government on the 22nd January 1853.

Sub-Treasurer.

Sicca Rupees ——————————.

On delivery of the above Sub-Treasurer's Certificate to the Deputy Accountant General to the Government of India, the proprietor thereof will receive a Stock Receipt according to the accompanying Form.

FORM B.

Fort William, Stock Receipt,

Registered as No. ———————————— of ————————————————.

Accountant General's Office.

The Governor General of India in Council does hereby acknowledge to have received from ———————————— the sum of Sicca Rupees ———————————— ————————as a Loan to the East India Company by transfer from the 5 per Cent. Transfer Loan of ———————— ———— ———— to the 4 per Cent. Transfer Loan of the 22nd April 1854, and promises to pay interest on the said sum of ———————————— at the rate of 5 per Cent. per annum half-yearly from ———— ———————————— up to the 22nd of April 1854, and on or after the latter date, to issue in lieu hereof a fresh Stock Receipt bearing interest at 4 per Cent. per annum payable half-yearly.

Signed by Order of the Governor General of India in Council.

Examined.

Accountant General.

Secretary to the Government of India.

Officers in charge of Revenue Treasuries in the Provinces are authorized to transmit Promissory Notes and Stock Receipts of the 5 per Cent. Transfer Loan, which may be tendered within the prescribed period for transfer to the 4 per Cent. Transfer Loan free of charge to the Sub-Treasurer.

And it will be observed that there is nothing in the new form of Stock Receipt to diminish the facilities of Transfer to the London Books or from the Books of one Presidency to those of another now attaching to the 5 per Cent. Stock Receipt.

No. 353.

Notification,—General Department,—Agra, the 2nd March, 1853.

THE Honorable the Lieutenant-Governor is pleased to re-publish for general information, the following Notification of the Most Noble the Governor General of India in Council, inviting subscriptions towards the erection and endowment of a School or College in memory of the Duke of Wellington, and for the Education of the Orphan Children of Officers of the Army.

To facilitate the transmission of contributions, orders have been issued to all Collectors in the North Western Provinces, to receive and forward to the Agra Treasury, free of charge, Subscriptions for this object presented at their Treasuries, and for all such sums the Collector of Agra will furnish a receipt to the Donors.

Notification,—Fort William,—Home Department,—the 15*th February*, 1853.

THE Most Noble the Governor General of India in Council has the honor of laying before the Officers of the Civil and Military Services of the Honorable East India Company, and before the community in the Presidency of Bengal, the following copy of a letter which has been addressed to him by the Earl of Derby, Her Majesty's Prime Minister.

Downing Street, 8*th December*, 1852.

MY LORD,

The universal desire felt by all classes to do honor to the memory of the Duke of Wellington, will probably lead to the erection of Statues and other Monuments in many of the principal Towns in the Kingdom, some of which have indeed already taken steps in this direction. But projects of this description, however much they may contribute to the ornament of the respective localities, and however gratifying they may be to the feelings of their inhabitants, can possess little more than local interest, can be joined in by comparatively few of the population, and are not calculated to confer any substantial benefit upon the community. With a view to erect a Monument to the memory of the Great Duke to which all may contribute, which shall be worthy of its object and of the nation, and which shall be of permanent and important advantage to that service of which he was long the head and the ornament, it is proposed to erect and endow by public subscription, a School or College, to bear the name of the Duke of Wellington, for the gratuitous, or nearly gratuitous Education of Orphan Children of Indigent and Meritorious Officers of the Army. Institutions, more or less national, already exist in which the advantages of such an education can be obtained by the Children of Soldiers, of Seamen, of Naval Officers, and of the Clergy; but no such provision has been made in favor of Officers of the Army, a class of men peculiarly liable to casualties, by which their families are often left in a condition of the most painful pecuniary embarrassment, and under circumstances in which the necessarily stringent Regulations of the War Office, preclude the possibility of any relief from public funds.

The execution of the proposed plan, and the scale upon which it can be undertaken, must depend on the degree of support given by the country to the object contemplated. It may be assumed that each capital sum subscribed of £ 1,000, representing a permanent annuity of about £ 30, will provide, for all time to come, exclusive of the expense of building, for the education of one child; and a considerable sum will be required for the erection of a building which shall be worthy of the proposed object. No payment will be required until the total sum subscribed shall amount to £ 100,000, when application is proposed to be made for vesting the capital in trustees, to be nominated in the first instance by Her Majesty from among the subscribers, and to be incorporated as in the case of Harrow, Rugby, the Charter House and others.

Donations may be made payable by instalments spread over two, three or four years.

Her Majesty and His Royal Highness the Prince Albert have been pleased to signify their approval of the project, and to place their names at the head of the Subscription List for the respective sums of £ 1,000 and £ 500.

I have the honor to be,

My Lord,

Your obedient Servant,

(Signed) DERBY.

The Governor General in Council feels assured that for such an object all special solicitation would be superfluous.

He feels assured that every man among us will give with alacrity such aid, as he can afford, towards preserving in grateful memory, through future ages, the name of the greatest Soldier that England ever saw; by associating with it, an institution which through years to come will provide for thousands of Soldiers' Orphans, the rich advantages of a sound education.

All who are so disposed are invited to transmit their subscriptions to the Secretary to the Government of Bengal, the Secretary to the Government, North Western Provinces, or the Secretary to the Chief Commissioner of the Punjab, as may be most convenient to them.

Lists will be published from time to time, and the subscriptions, when closed, will be transmitted to England.

(COPY.)

No. 534.

The 23rd March, 1853.

No. 173.

Notification,—Fort William,—Home Department,—the 11th March, 1853.

THE Most Noble the Governor General in Council is pleased to notify for general information, that under the orders of the Hon'ble the Court of Directors, Medical Officers in Civil employ are henceforth to be held entitled to leave of absence for one month in each year upon the same terms as privilege-leave is granted to other Military Officers in Civil employ.

No. 727.

Notification,—General Department,—Agra, the 16th April, 1853.

WITH reference to the provisions of Section 5, Act XX. of 1847, for effecting the registry of copyright under the rules noted marginally,* in a register to be kept in the office of the Secretary to the Government of India, in the Home Department, it is notified that the several Magistrates are hereby authorized and required to receive any applications for registry, which may be presented to them, containing the required particulars and accompanied by the registry fee of two rupees.

* "It shall be lawful for the proprietor of copyright in any book published, to make entry in the Registry Book of the title of such book, the time of the first publication, and the name and place of abode of the publisher thereof, and the name and place of abode of the proprietor of the copyright of the said book, or of any portion of such copyright, in the form in that behalf given in the Schedule to this Act annexed, upon payment of the sum of 2 Rs. to the said Secretary; and that it shall be lawful for every such registered proprietor to assign his interest, or any portion of such interest thereon, by making entry in the said Book of Registry of such assignment, and of the name and place of abode of the assignee thereof, in the form given in that behalf in the said Schedule on payment of the like sum."

The application should be presented to the Magistrate in triplicate. One copy he will retain in his own office, and the other two he will forward to this office, with a draft on the General Treasury for the amount of the fee.

Steps will then be taken in communication with the Secretary to the Government of India, Home Department, for securing the regular entry of the title in his register.

No. 13.

Notification,—Financial Department,—Fort William, the 23rd April, 1853.

NOTICE is hereby given, that the Five per Cent. Promissory Notes of this Government of 1825-26, standing in the general Register of the Registered Debt of this Presidency from No. 1151 to No. 5500 inclusive, will be discharged on the 25th July next, on which day the interest thereon will cease.

Prompt settlement of principal and interest at the rate of five per Cent. per annum to the date of advertised discharge will be made with proprietors who may be desirous of transferring their five per Cent. Notes now ordered for payment to the open four per Cent. Loan of the 1st February 1843; provided however in this case that interest at the rate of four per Cent. per annum shall be allowed on the new acknowledgments, only from such advertised date of discharge of the five per Cent. Notes. The fractional amount necessary to convert any Note into one of even hundreds in Company's Rupees, at the prescribed rate of 16 Company's for 15 Sicca Rupees, will be either paid to or received from the proprietor at his option.

The Sub-Treasurers at Fort William, Fort St. George and Bombay, the several Residents, Collectors and other Public Officers authorized to receive subscriptions to the four per Cent. Loan now open, are hereby required to grant acknowledgments to proprietors who may desire to transfer their five per Cent. Notes ordered for discharge to the open four per Cent. Loan.

These acknowledgments, together with the Promissory Notes for which they may have been issued, shall, without fee or expense of any kind to the proprietors, be transmitted to the Deputy Accountant General to the Government of India in Calcutta, who will forthwith cause to be prepared and issued to the parties entitled thereto Promissory Notes in the four per Cent. Loan.

It is further notified that for the accommodation of the proprietors of Government Promissory Notes now advertised for payment who, not being resident in India, may not have furnished powers to their Agents and Attornies to receive the principal amount so to be paid and to grant discharge for the same on their behalf, the Most Noble the Governor General of India in Council has authorized the Deputy Accountant General to allow the conditional transfer of such Notes to the open four per Cent. Loan, leaving it optional with the proprietors to confirm the transfer or to require payment in cash, when they shall be informed thereof; provided, however, that no notice disallowing a transfer will be received after six months from the present date.

No. 2164.

Notification,—Judicial Department,—Agra, the 2nd June, 1853.

THE rules prescribed in the Government Notifications of the 8th January and 15th October 1846, (published respectively in the *Agra Government Gazette* of the 20th January and 20th October 1846,) for the careful preparation of descriptive rolls of convicts sentenced to transportation beyond seas, being frequently neglected, the attention of officers in charge of jails is directed to the subject, and they are requested to satisfy themselves on every occasion, that the rolls have been strictly drawn out in conformity with the provisions of the Notifications above specified.

2nd. In addition to the rules formerly prescribed, it is further directed, that a copy of each descriptive roll be forwarded to the Inspector General of Prisons within one week from the departure of the prisoner towards the river station.

No. 18.

Notification,—Financial Department,—Fort William, the 6th June, 1853.

NOTICE is hereby given, that all the 5 per Cent. Promissory Notes of this Government of 1825-26, which have not been already advertized for payment, and are still outstanding, as also all the 5 per Cent. Promissory Notes of 1829-30, will be discharged at the General Treasury on the 7th of September next, on which day the interest thereon will cease.

Any of the Notes however hereby advertized for payment, may be tendered to the Sub-Treasurers at Fort William, Fort St. George and Bombay, to the several Residents, Collectors and other public Officers authorized to receive subscriptions to Government loans, and exchanged for acknowledgments of subscription to the 4 per Cent. loan of 1842-43.

These acknowledgments, together with the Promissory Notes for which they may have been issued, shall, without fee or expense of any kind, to the Proprietors, be transmitted to the Deputy Accountant General at Calcutta, who will forthwith cause to be prepared and issued to the parties entitled thereto, Promissory Notes in the 4 per Cent. loan of 1842-43.

Prompt settlement of principal and interest at the rate of 5 per Cent. per annum to the date of advertized discharge will be made with proprietors, who may tender their Notes for transfer to the 4 per Cent. loan of 1842-43; provided however that interest at the rate of 4 per Cent. shall be allowed only from the date advertized for the discharge of the 5 per Cent. Notes.

The fractional amount necessary to convert any Note into one of even hundreds in Company's Rupees at the prescribed rate of 16 Company's for 15 Sicca Rupees, will be either paid to or received from the Proprietor at his option.

It is further notified that, for the accommodation of Proprietors, who not being resident in India, and who have not furnished full powers to their Agents to receive the principal amount to be paid, the Most Noble the Governor General of India in Council has authorized the Deputy Accountant General to allow the conditional transfer of their Notes to the 4 per Cent. Loan of 1842-43, leaving it optional with the Proprietors to confirm the transfer or to require payment in cash; provided however that no notice disallowing a transfer will be received after six months from the present date.

No. 3563.

Notification,—Separate Rev. Department,—Agra, the 8th September, 1853.

AT the request of the Gwalior Durbar, the Honorable the Lieutenant-Governor is pleased to give publicity to the following alteration in the duty levied upon Cotton exported from Bhind.

The Gwalior Durbar has resolved, that the duty upon each bullock load of Cotton exported from Bhind, which has hitherto been one rupee, shall in future be reduced to 8 annas.

Notification,—Financial Department, N. W. P.,—Agra, the 21st September, 1853.

THE following Notification is re-published for general information:—

No. 31.

Notification,—Financial Department,—Fort William, the 16th September, 1853.

NOTICE is hereby given that the 4 per Cent. Loan, dated 1st February 1843, is closed for the receipt of cash Subscriptions from this date at the Public Treasuries in Calcutta, and at all other Treasuries under the three Presidencies of Fort William, Madras and Bombay, as well as at the Treasuries under the Supreme Government and the Agra Government, from date of receipt of this Notification, after which date no further cash Subscriptions to that Loan will be received.

No. 1813.

Notification,—General Department,—Agra, the 22nd September, 1853.

THE following Extract from the Proceedings of the Governor General of India in Council, containing a Despatch from the Hon'ble Court of Directors relating to the grant of Pensions, under the Rules of 1831, to Officers in the Education Department, is published for general information:—

No. 2420.

Extract from the Proceedings of the Most Noble the Governor General of India in Council, in the Financial Department, under date the 2nd September, 1853.

Read the following Despatch from the Hon'ble the Court of Directors, No. 23 of 1853, dated the 20th July, admitting the servants of Government employed in the Educational Departments to the benefits of the General Pensionary Regulations of 1831.

No. 23 of 1853.

FINANCIAL DEPARTMENT.

Our Governor General of India in Council.

1. In the year 1846 you recommended the admission of the servants of Government employed in the Educational Department to the benefits of the General Pensionary Regulations of 1831.

2. Before deciding upon the question, we required to be furnished with returns of the Educational Institutions at the several Presidencies, to enable us to ascertain the expense of the measure which you had submitted to us. These returns were rendered in your letter of the 30th May 1848, and it appeared from them that the probable charges to the state for Pensions would amount to about Rs. 20,000 per annum on the strength of the Educational Establishment as existing at that time. Your financial position was then so unpromising, that, viewing the proposal as we were compelled to do, solely on financial grounds, we felt it necessary to postpone the boon, which on all other considerations we should willingly have conceded to the Educational servants.

3. In our despatch in this Department, dated 17th September 1851, No. 50, in reply to a Memorial from the body of Educational servants employed in the North

Western Provinces, we expressed our regret that we were still prevented, by financial considerations, from complying with their request for the grant of Pensions on retirement.

4. Our attention has again been given to the subject, and we have resolved now to withdraw the restriction as respects this valuable class of public servants, and to sanction their being admitted to participate in the privileges of the Pension Rules of 1831. We have also determined, with a view of showing our estimation of the importance of their services, that the Principals and Head Masters of Colleges or Schools shall be ranked in the same class with Law Officers and Native Judges, and in like manner with them be qualified, if incapacitated by age or infirmity, to receive Pensions, equivalent to one-third of their average monthly salary, after fifteen years' service, and to one-half after a service of twenty-two years or upwards. This privilege must be confined to Principals and Head Masters. With regard to all other Educational servants, a service of twenty years will be a necessary qualification for the minimum rate of Pension.

Vide Clause 3, Rule V. of the Pension Rules of 1831.

5. The Pensions are to be granted only to servants attached to those Institutions that are wholly, or for the greater part, supported by our respective Governments, and not to those supported from other sources, and Pensions are not to be conceded to any class of persons inferior to those embraced in the abstract contained in your letter of 30th May 1848, above referred to, the total number of which was at that time 559 persons.

6. We desire that a copy of the foregoing paragraphs be transmitted to the Governments of Madras and Bombay, and to the Lieutenant-Governor, North Western Provinces, for their information and guidance.

We are, &c.,
(Sd.) RUSSELL ELLICE,
„ J. OLIPHANT,
AND OTHERS.

LONDON,
The 20th July, 1853.

Ordered, that a copy of the Despatch above adverted to, be forwarded to the Governments of Bengal, Madras and Bombay, and to the Lieutenant-Governor of the North Western Provinces, for their information and guidance, with the intimation that Superannuation Pensions are to be granted only to those servants attached to the Educational Department who receive salaries above Rs. 10 per mensem, as laid down in the pension Regulations of 1831, which are adverted to by the Hon'ble Court in their Despatch abovementioned, Medical and Military servants employed in the Educational Department being excluded from the benefits of the Pension Rules in question.

Ordered also, that a copy of the same Despatch be transmitted to the Civil Auditor, for his information and guidance.

No. 3824.

Notification,—Judicial Department,—Agra, the 21st September, 1853.

IT having been decided by the Court of Sudder Nizamut, that the control of the Jail Establishments is by Act XVIII. of 1844, vested exclusively in the Government;

the Honorable the Lieutenant-Governor has been pleased to promulgate the following rule:—

Whenever the Magistrate, or Superintendent, may punish, by dismissal or suspension, any person, holding an office in the Jail Establishment, his decision shall be final, and no appeal shall lie of right to the Sessions Judge, or any other authority. Provided that in any case in which the Inspector General of Prisons, or the Government, may see cause for interference, the sentence shall be liable to revision.

No. 1891.

Notification,—General Department,—Agra, the 8th October, 1853.

THE following Notification by the Most Noble the Governor General in Council, No. 644, dated the 30th ultimo, prohibiting the servants of Government from continuing to be Managers or Directors of Banks and Trading Companies after a period of 18 months from the date of the Notification, is re-published for general information.

(COPY.)

No. 644.

Notification,—Home Department,—Fort William, the 30th September, 1853.

With reference to the Notification No. 462, dated the 28th of May 1852, published in the *Calcutta Gazette* of the 5th June 1852, page 917, the Most Noble the Governor General in Council is pleased to notify for general information that, under instructions from the Honorable the Court of Directors, those servants of the East India Company, whether Civil or Military, Covenanted or Uncovenanted, who have hitherto been engaged as Managers and Directors of Banks and Trading Companies, cannot be allowed to continue in such occupations after the expiration of 18 months from the date of this Notification.

No. 4000.

Judicial Department,—Agra, the 13th October, 1853.

AT THE COURT AT BUCKINGHAM PALACE.

The 13th day of June, 1853,

PRESENT:—

THE QUEEN'S MOST EXCELLENT MAJESTY.

HIS ROYAL HIGHNESS PRINCE ALBERT.

LORD PRESIDENT.	EARL OF ABERDEEN.
LORD STEWARD.	EARL OF CLARENDON.
DUKE OF NEWCASTLE.	VISCOUNT PALMERSTON.
DUKE OF WELLINGTON.	MR. HERBERT.
LORD CHAMBERLAIN.	SIR JAMES GRAHAM, *Bart.*

WHEREAS there was this day read at the Board a Report from the Right Honorable the Lords of the Judicial Committee of the Privy Council, dated the 30th May last past, humbly setting forth that the Lords of the Judicial Committee have taken into consideration the practice of the Committee with a view to greater economy,

despatch, and efficiency in the appellate jurisdiction of Her Majesty in Council, and that their Lordships have agreed humbly to report to Her Majesty, that it is expedient that certain changes should be made in the existing practice in appeals, and recommending that certain Rules and Regulations therein set forth should henceforth be observed, obeyed, and carried into execution, provided Her Majesty is pleased to approve the same.

Her Majesty, having taken the said Report into consideration, was pleased, by, and with the advice of her Privy Council, to approve thereof, and of the Rules and Regulations set forth therein, in the words following, *videlicet:*

Appellant, when successful, may recover costs of appeal.

I. That any former usage or practice of Her Majesty's Privy Council notwithstanding, an appellant who shall succeed in obtaining a reversal or material alteration of any judgment, decree, or order appealed from, shall be entitled to recover the costs of the appeal from the respondent, except in cases in which the Lords of the Judicial Committee may think fit otherwise to direct.

Transcripts to be sent to Registrar of Privy Council.

II. That the Registrar, or other proper Officer having the custody of records in any Court or special jurisdiction, from which an appeal is brought to Her Majesty in Council, be directed to send by post, with all possible despatch, one certified copy of the transcript record in each cause to the Registrar of Her Majesty's Privy Council, Whitehall; and that all such transcripts be registered in the Privy Council Office, with the date of their arrival, the names of the parties, and the date of the sentence appealed from, and that such transcript be accompanied by a correct and complete index of all the papers, documents and exhibits in the cause, and that the Registrar of the Court appealed from, or other proper officer of such Court, be directed to omit from such transcript all merely formal documents, provided such omission be stated and certified in the said index of papers, and that especial care be taken not to allow any document to be set forth more than once in such transcript, and that no other certified copies of the record be transmitted to agents in England, by, or on behalf of the parties in the suit, and that the fees and expenses incurred and paid for the preparation of such transcript, be stated and certified upon it by the Registrar or other officer preparing the same.

Transcripts may be printed abroad.

III. That when the record of proceedings or evidence in the cause appealed has been printed, or partly printed abroad, the Registrar, or other proper officer, of the Court from which the appeal is brought, shall be bound to send home the same in a printed form, either wholly, or so far as the same may have been printed; and that he do certify the same to be correct, on two copies, by signing his name on every printed sheet, and by affixing the seal, if any, of the Court appealed from, to these copies, with the sanction of the Court.

And that in all cases in which the parties in appeals should think fit to have the proceedings printed abroad, they shall be at liberty to do so, provided they cause 50 copies of the same to be printed in folio, and transmitted at their expense, to the Registrar of the Privy Council, two of which printed copies shall be certified as above by the officers of the Court appealed from, and in this case no further expense for copying or printing the record will be incurred or allowed in England.

Written transcripts to be printed by Her Majesty's Printer.

IV. That on the arrival of a written transcript of appeal at the Privy Council Office, Whitehall, the appellant, or the agent of the appellant prosecuting the same, shall be at liberty to call upon the Registrar of the Privy Council to cause it, or such part thereof as may be necessary for the hearing of the case, and likewise all such parts thereof as the respondent or his agent may require, to be printed by

Her Majesty's Printer, or by any other Printer on the same terms, the appellant or his agent engaging to pay the cost of preparing a copy for the Printer, at a rate not exceeding one shilling per brief sheet, and likewise the cost of printing such record or appendix, and that one hundred copies of the same be struck off, whereof thirty copies are to be delivered to the agents on each side, and forty kept for the use of the Judicial Committee, and that no other fees for solicitor's copies of the transcript, or for drawing the joint appendix, be henceforth allowed, the solicitors on both sides being allowed to have access to the original papers at the Council Office, and to extract, or cause to be extracted, and copied, such parts thereof as are necessary for the preparation of the petition of appeal, at the stationer's charge, not exceeding one shilling per brief sheet.

Transcripts to be printed within a certain time.

V. That a certain time be fixed within which it shall be the duty of the appellant or his Agent to make such application for the printing of the transcript, and that such time be within the space of six calendar months from the arrival of the transcript, and the registration thereof in all matters brought by appeal from Her Majesty's Colonies and Plantations East of the Cape of Good Hope, or from the Territories of the East India Company, and within the space of three months, in all matters brought by appeal from any other part of Her Majesty's Dominions abroad; and that in default of the appellant or his Agent taking effectual steps for the prosecution of the appeal, within such time or times respectively, the appeal shall stand dismissed without further order, and that a report of the same be made to the Judicial Committee by the Registrar of the Privy Council at their Lordships' next meeting.

Appeals may be heard in the form of a special case.

VI. That whenever it shall be found that the decision of a matter on appeal is likely to turn exclusively on a question of law, the Agents of the parties, with the sanction of the Registrar of the Privy Council, may submit such questions of law to the Lords of the Judicial Committee in the form of a special case, and print such parts only of the transcript as may be necessary for the discussion of the same, provided that nothing herein contained shall in any way bar or prevent the Lords of the Judicial Committee from ordering the full discussion of the whole case, if they shall so think fit; and that in order to promote such arrangements, and simplification of the matter in dispute, the Registrar of the Privy Council may call the Agents of the parties before him, and having heard them, and examined the transcript, may report to the Committee as to the nature of the proceedings.

And Her Majesty is further pleased to order, and it is hereby ordered, that the foregoing Rules and Regulations be punctually observed, obeyed, and carried into execution in all appeals or petitions, and complaints in the nature of appeals, brought to Her Majesty or to Her Heirs and Successors in Council, from Her Majesty's Colonies and Plantations abroad, and from the Channel Islands, or the Isle of Man, and from the Territories of the East India Company, whether the same be from Courts of Justice, or from special jurisdictions, other than appeals from Her Majesty's Courts of Vice Admiralty, to which the said Rules are not to be applied.

Whereof the Judges and Officers of Her Majesty's Courts of Justice abroad, and the Judges and Officers of the Superior Courts of the East India Company, and all other persons whom it may concern, are to take notice, and govern themselves accordingly.

No. 4001.

Notification,—Judicial and Revenue Department,—Agra, the 13th October, 1853.

It is hereby intimated, that all Covenanted Junior Civil Servants attached to the North Western Provinces, not holding permanently appointments of Rs. 700 per mensem, or upwards, shall be subject to examination as regards their knowledge of Law, Official practice, and Vernacular language.

From and after the month of March 1854, no such Civilian will be promoted, until he has passed the prescribed examination; and promotion will thereafter be usually made according to the order of passing.

No. 3102.

Notification,—Financial Department, N. W. P.,—Agra, the 2nd November, 1853.

The following Notification is re-published for general information:—

No. 33.

Notification,—Financial Department,—Fort William, the 28th October, 1853.

Notice is hereby given that no claim, under the Notifications dated 23rd of April and 6th of June last, by Proprietors of the Five per Cent. Sicca Loans, to transfer the amount of their Notes into the Four per Cent. Loan of 1842-43, will be recognized after the 28th of November next.

No. 34.

Notification,—Financial Department,—Fort William, the 28th October, 1853.

Notice is hereby given that all the Notes of the Five per Cent. Loan, bearing date the 30th of June 1841, from No. 19001 to the last number on the Register, will be discharged at the General Treasury in Calcutta on the 30th of January next, on which date the Interest thereon will cease.

Proprietors of the Notes hereby advertised for payment are permitted, on or before 30th of January next, to transfer the amount of their Promissory Notes into a new Loan, which shall bear Interest at the rate of Four per Cent. per annum, payable half-yearly on the 31st of December and on the 30th of June.

Proprietors who may transfer their Promissory Notes into this new Loan, through the Government Agent, shall not be subjected to the payment of the Fees prescribed in the Rules of the Government Agency for transferring Notes from one Loan to another.

All Officers authorized to receive subscriptions to Government Loans are hereby required to receive applications in writing from individuals who may desire to transfer the amount of their loans into the new Four per Cent. Loan.

These applications, together with the Promissory Notes in reference to which they may have been received, shall, without fee or expense of any kind to the proprietor, be transmitted to the Deputy Accountant General at Fort William, who will forthwith cause an entry to be made on the face of the Note, acknowledging the transfer, and giving the number of the Note on the Register of the new Loan.

This entry shall be deemed tantamount to the issue of a new Note bearing Interest at Four per Cent. per annum, payable half-yearly, on the 31st of December and the 30th of June, and shall be in the following form:—

"No. —— of the Four per Cent. Loan of 1854-55,

By Transfer.

"Interest is payable on this Note at the rate of 4 per Cent. per annum, by "half-yearly instalments, on the 31st December and the 30th of June."

Prompt settlement of the Principal and Interest at the rate of Five per Cent. per annum to the date of advertised discharge, will be made with proprietors who may tender their Notes for transfer into the new Loan; provided, however, that the Principal only will be transferred, and that the Interest, up to the 30th of January inclusive, will be discharged in Cash, as well as anticipation Interest up to the 30th of June 1854.

It is further notified that the Most Noble the Governor General in Council has, for the accommodation of proprietors who are not in India, authorized the Deputy Accountant General to allow the conditional transfer of their Notes to the new Four per Cent. Loan, on the application of agents or friends, leaving it optional with the proprietors to confirm the transfer or to require payment in Cash: provided, however, that no notice disallowing the transfer will be received after six months from the present date.

The Promissory Notes of the new Loan will not be re-payable until after the expiration of three months from notice of payment duly advertised in the *Calcutta Gazette*, under the authority of the Governor General of India in Council.

No. 35.

Notification,—Financial Department,—Fort William, the 28th October, 1853.

Notice is hereby given that the Sub-Treasurers at Fort William, Fort St. George and Bombay, the several Residents at Native Courts, and the several Collectors of Land Revenue under those Presidencies, as well as the Collectors and others in charge of Treasuries under the Supreme Government, and the Government of the North Western Provinces, have been authorized to receive, until further orders, any sums of money in even hundreds, of not less than 500 of Company's Rupees, which may be tendered on loan to the East India Company at an Interest of three and a half per centum per annum, subject to the provisions hereinafter specified.

All authorized public demands, including audited Bills for arrears of Salary, and Bills of Exchange on the public Treasuries, these last being subject to a deduction at the rate of three and a half per centum per annum for the period they may have to run, will be received as Cash at par.

The Pay-Masters of the Army under the several Presidencies are also authorized to transfer any demands which may be payable by them respectively to this Loan, and to grant drafts for the amounts, in Bengal and Madras on the Accountant General, and in Bombay on the Military Pay-master General, which drafts shall be received by those Officers in payment of Subscriptions to this Loan, on being tendered to them for that purpose.

The several public Officers, authorized to receive subscriptions into this Loan, will grant acknowledgments in the following form, for all sums received by them respectively:—

"I hereby acknowledge that A. B. has this day paid into the East India Com-
"pany's Treasury the sum of Company's Rupees for
"which he is entitled to receive a Promissory Note, bearing Interest from
"the (28th February or 31st of August next as the case may be), of the
"tenor, and subject to the conditions of the Loan specified in the Adver-
"tisement published in the *Calcutta Gazette* of the 28th October 1853."

The Deputy Accountant General at Fort William will, on the said acknowledgments being delivered, forthwith cause to be prepared and issued to the parties entitled thereto, Promissory Notes under the signature of the Secretary to the Government of India, in the following form:—

"FORT WILLIAM, THE 28TH FEBRUARY, 1854.

"Promissory Note at three and a half per centum for Company's Rupees
" . The Governor General of India in Council does hereby
" acknowledge to have received from A. B. the sum of Company's Rupees
" as a Loan to the East India Company, and does hereby promise for and
" on behalf of the said Company to re-pay the said Loan, by paying the said sum of
" Company's Rupees to the said A. B. his Executors or Adminis-
" trators, or his or their Order, on demand, at the General Treasury of Fort William,
" after the expiration of three months' Notice of payment to be given by the Governor
" General of India in Council in the *Calcutta Gazette*, and to pay the Interest accruing
" on the said sum of Company's Rupees at the rate of three and
" a half per centum per annum, by half-yearly payments at the General Treasury of
" Fort William, to the said A. B., his Executors or Administrators, until the expira-
" tion of three months after such notice of payment as aforesaid, when the amount
" of Interest due will be payable with the Principal, and (such notice being considered
" equivalent to a tender of payment at the period appointed for the discharge of the
" Note) all further Interest shall cease.

"Signed by the authority of the Governor General of India in Council.

"Secretary to the Govt."

"Accountant General's Office,
"Registered as No. of }

The several Officers authorized to receive subscriptions will, on application from the holders of acknowledgments, transmit them (free of every expense whatever) to the Deputy Accountant General at Fort William, to be exchanged for Promissory Notes, bearing Interest from the 28th of February or 31st of August next ensuing after the date of subscription. The Interest accruing on the broken period of the half year that may intervene between the date of subscription and the 28th of February or 31st August next ensuing, as the case may be, will be paid up at the time of granting the acknowledgment.

Proprietors of Notes or acknowledgments, who may desire to have the Interest payable at any other public Treasury than at the General Treasury of Calcutta, shall be entitled to receive it accordingly, provided they notify their wish to the Deputy Accountant General at Fort William, and transmit the Notes or acknowledgments to him, to have an Order for the payment of Interest at the said Treasury written on the face of the Notes under the signature of the said Officer or that of his Assistant, and after such Order shall, on the application of the proprietor, be inscribed on any Note, the Interest shall be payable only from the said Treasury, unless the proprietor shall present the Note with an application, for the purpose of transferring the payment elsewhere to the Deputy Accountant General at Fort William.

The Promissory Notes of this Loan shall not be renewed, sub-divided or consolidated, except by the Deputy Accountant General at Fort William. The practice and rules heretofore in use in regard to the renewal, sub-division, and consolidation of Promissory Notes, will be adhered to.

No. 4199.

Notification,—Judicial Department, Camp Benares, the 5th November, 1853.

THE Hon'ble the Lieutenant-Governor is pleased to direct Civil and Sessions Judges to submit their applications for leave of absence through the Court of Sudder Dewany and Nizamut Adawlut, such applications to be always accompanied by a statement of the number of cases remaining undecided at their date, on the several Civil and Criminal files of the Judge's Office.

2nd. Should the Sudder Court see reason to recommend a compliance with the application, they will attach a memorandum to that effect to the letter of the Judge in forwarding it to the Secretary's Office, otherwise the Court will (after any previous communication with the Judge which they may think proper) submit the application, with their remarks, for the Orders of Government.

3rd. In cases of illness or emergency, a copy of the application made to the Court, may be forwarded direct to the Secretary to the Government.

No. 4257.

Notification,—Judicial and Rev. Dept.,—Camp Benares,—the 14th November, 1853.

ALL Deputy Collectors and Deputy Magistrates, who have a sufficient conversancy with the English language, to enable them readily to apprehend and give written answers in that language to questions on law and official practice, are to be regarded as liable to the same examination, (according to the functions in the Judicial or the Revenue Departments which may be assigned to them,) as are prescribed for Covenanted Assistants.

No. 2132 A.

Notification,—General Department,—Camp Benares,—the 17th November, 1853.

THE Lieutenant-Governor is pleased to publish for general information the following Rules for the management of Charitable Dispensaries within the North Western Provinces, supported or aided by the Government.

1st. The Collector, Magistrate and Civil Surgeon of the District shall be ex-officio Members of the Local Committee of Management.

2nd. The Government may appoint any other person, whether a public servant or a subscriber of the Dispensary, to be a Member of the Committee.

3rd. The Commissioner of the Division shall be ex-officio a Member of the Committee, and shall preside at any Meeting at which he may be present. He shall have a casting vote, in addition to his own vote, if present; and a casting vote if absent, when opinions are equally divided.

4th. All correspondence between the Government and the Local Committee shall be conducted through the medium of the Commissioner.

5th. Each Committee shall submit to Government, through the Commissioner, Half-yearly Returns (made up to June 30th and December 31st in each year) of the number of patients treated, and of all the receipts and disbursements in the accompanying forms. These Returns are exclusive of the professional Reports submitted to the Medical Board.

6th. Each Committee shall appoint its own Secretary, whose duty it is to see that proper Returns and Accounts are kept.

7th. Each Committee shall keep a book, in which are to be entered Minutes of all its Proceedings and Resolutions. The Proceedings of every Meeting shall be attested by the Members present.

8th. In all matters of a strictly professional description, the Committee shall be guided by such instructions as they may receive from the Superintending Surgeon of the Division.

Half-yearly Return of Patients treated in the ——— Charitable Dispensary from the ——— to the ———.

	Remaining on the	Admitted.	Total.	Cured.	Relieved.	Incurable.	Died.	Result not known.	Remaining under treatment.
In-door Patients, -- --									
Out-door Patients, -- --									
Total, -- --									

Half-yearly Cash Account of the ——— Charitable Dispensary from the ——— to the ———

Dr.							Cr.						
To Balance in hand on the							By Amount Pay of Establishment from						
,, Subscriptions collected from to							,, Amount paid for ——— supplied to the In-patients at						
,, Government Donations drawn from the month of——— up to ——— at Rs. ———per mensem, under orders dated the							,, Ditto for half-yearly supply of clothes to the In-patients in last						
,, Interest upon Government Promissory Notes drawn in &c. &c.							,, Ditto do. paid to Extra Native Doctors employed in						
							Balance in hand,						
Total, Co.'s Rs. --							Total, Co.'s Rs.--						

No. 4394.

Notification,—Judicial and Rev. Dept.,—Camp Mirzapore,—the 26th November, 1853.

WHERE leave of absence, whether on Medical Certificate, or on Private Affairs, is granted without specification of the date of commencement, it may be taken from any date within one month after the date of the Government Order. If not taken in that period, a fresh application will be necessary.

No. 2405.

Notification,—General Department,—Camp Goorsahaigunge,—the 29th December, 1853.

THE following Rules, relating to the Pay and Allowances of Sub-Assistant Surgeons, having been sanctioned by the Most Noble the Governor General in Council, are published for general information:—

1*st.* A Sub-Assistant Surgeon, when acting for another, will draw the pay of his rank, without reference to the station at which, or the person for whom, he acts.

2*nd.* Sub-Assistant Surgeons who have passed the Medical College, but who have not been posted, will receive, until further orders, an allowance of Rs. 50 per mensem, from the date of their submitting a written declaration to the Medical Board of their intention to accept Government employ, and they will at once be distributed as supernumeraries in Bengal and the North Western Provinces, as the wants of the public service may require.

3*rd.* During the period which intervenes between a Sub-Assistant Surgeon's employment in one situation and his appointment to another, he will draw the pay of his rank, unless his removal from his last appointment be caused by any fault of his own.

No. 2404 A.

Notification,—General Department,—Camp Bewar,—the 28th December, 1853.

THE Hon'ble the Lieutenant-Governor has been pleased to appoint the Superintending Surgeons of Divisions, within the North Western Provinces, to be Ex-officio Members of the Dispensary Committees within their several circles, and, as such, authorized and expected to take part in the proceedings of the Committees, whenever present at their respective Stations.

The proposals referred to in the subjoined Extracts, from a Report of the Medical Board, are approved and promulgated by His Honor, as rules supplemental to those contained in Circular No. 3132 A., dated the 17th ultimo.

Extract of a letter from the Medical Board, No. 1055, *dated* 30*th November* 1853, *in reference to a Memorandum by Hugh Guthrie, Esq., M. D., Superintending Surgeon, Benares Circle, and T. Leckie, Esq., M. D., Civil Surgeon, Benares.*

Paragraph 3.—"We would recommend the adoption of the 2nd proposal of the memorandum, remarking that the greater part of it is already in force."

"2. To stimulate the zeal of Sub-Assistant Surgeons, and as a check upon their duly entering the symptoms and treatment of House Patients in the Register prescribed for this purpose, a detailed report of one Medical and one Surgical case to be submitted monthly for the information of Superintending Surgeons through the Civil Surgeon, who should certify that the cases as reported are correct transcripts from the original copies entered in the Register. These cases to be returned through the same channel to the Sub-Assistant Surgeon with the remarks of approval or otherwise, for the information and instruction of the Medical Subordinates concerned. In addition to these, all fatal cases of capital operations to be prepared, submitted and dealt with in like manner."

Paragraph 5.—"The first part of the 4th proposal is already in operation. Its latter portion we consider very judicious, and worthy of receiving sanction."

"4. Sub-Assistant Surgeons to be encouraged to communicate personally with the Superintendents of Dispensaries upon Medical subjects occurring in their daily practice. In furtherance also of their mental improvement by keeping them informed as to new modes of practice, and the discoveries in medicine and its allied sciences, it is suggested that a small supply of cheap recent publications, such as Braithwate's and Ranking's half-yearly Volumes, Bird on Urinary Deposits, Billing on Disease of the Heart and Lungs, or other Brochures on special forms of disease as may be approved of by the Medical Board, be transmitted to Superintending Surgeons for distribution amongst Sub-Assistant Surgeons in their respective circles. One month to be allowed for the perusal of each volume, previous to the book being returned; the Civil Surgeon or Superintendent to certify to the Superintending Surgeon that he examined the Sub-Assistant Surgeon upon the general contents of the publication, and has satisfied himself that the latter has made himself acquainted with the new matter or subjects treated of in the said volume. In that case the Book to be passed on to the next Sub-Assistant Surgeon in rotation, or otherwise, the Book to be retained for another month by the Sub-Assistant Surgeon, and the cause of detention reported to the Superintending Surgeon."

CIRCULAR ORDERS

OF THE

SUDDER DEWANNY ADAWLUT,

NORTH WESTERN PROVINCES,

FOR 1853.

No. 33.

Agra, the 5th January, 1853.

To the Civil Authorities in the North Western Provinces.

THE Court circulate, for general information, the following amended Persian translation of Article XLV., Schedule A., Regulation X. of 1829.

هر دستاویز یا رقعه یا یادداشت یا نوشته دیگر که بتقریب ادای زر نقد (بمضمون اظهار یا قرار وصول شدن
یا تصفیه یافتن یا بوجه دیگر مودی شدن هیچک زر نقد یا دین یادعوی یاجزوے ازآن که تصریح آن درآن باشد)
داده شود همچو دستاویز وغیره بمنزل رسید مبلغي که اقرار وصول یا مودی شدن آن بطور مذکوره بالا درآن مندرج
شد متصور خواهد شد *

No. 37.

Agra, the 10th January, 1853.

To the Civil Authorities in the North Western Provinces.

THE Court notify that, by their decision, which will be published in due course, in the case noted in the margin,* it has been ruled that one or more of several plaintiffs in the same case, appearing as appellants, are bound to make their co-plaintiffs, not joining in the appeal, respondents, before the appeal can be heard.

* Koour Mohesh Doss, (Plaintiff,) Appellant,
versus
Jos. Skinner, Esq., Captain Jas. Skinner, Captain H. Skinner, Alexander Skinner, Esq., and Thos. Skinner, Esq., heirs of the late Colonel Skinner, C. B., (Defendants,) Respondents.

No. 466.

Agra, the 14th March, 1853.

To the Civil and Criminal Authorities in the North Western Provinces.

THE Court, having been led to believe that the rule laid down in Section 4, Regulation XII. of 1803, and Section 2, Regulation XVIII. of 1817, prescribing a

declaration to be made and subscribed by certain Native Officers of the Civil and Criminal Courts previous to entering upon the execution of the duties of their offices has not been strictly enforced, are pleased to direct attention to the same, and to enjoin a careful observance of it in future, as well as in all cases in which it may not hitherto have been complied with.

No. 565.

Agra, the 30th March, 1853.

To the Civil and Criminal Authorities in the North Western Provinces.

WITH the sanction of the Government in reference to Act VIII. 1852, the Court circulate, for general information, the following scale of fees on account of the execution by the Sheriff of Calcutta of legal Processes issued by any Court, Judge or Magistrate, in the North Western Provinces.

Names of Processes.	*Rates of charges for executing each Process.*
Summons,	2 Rupees.
Writs of execution against effects,	4 ditto.
Notices,	2 ditto.
Dustucks,	4 ditto.
Proclamations,	2 ditto.
Subpœnas,	2 ditto.
Writs of execution against persons,	4 ditto.
Warrants for apprehension of witnesses,	4 ditto.
Sequestrations,	4 ditto.
Warrants for security to be furnished by defendants,	4 ditto.

No. 606.

Agra, the 5th April, 1853.

To the Civil and Criminal Authorities in the North Western Provinces.

THE Court notify, for the guidance of the Civil and Criminal Authorities in the North Western Provinces, that the procedure laid down in Act I. of 1848 is restricted by the terms of that enactment to *deeds and papers offered in evidence against the adverse party.* In all other cases of forgery brought to light in the course of judicial proceedings, the Circular Order of the 13th March 1846, No. 225, which directs the Courts to conform strictly to the rules prescribed for adoption in cases of perjury by the provisions of Section 2, Regulation III. of 1801, Section 3, Regulation VIII. of 1813, Section 14, Regulation IV. of 1793, corresponding with Section 8, Regulation III. of 1803, and Section 14, Regulation XVII. of 1817, is to be regarded as the authoritative rule of procedure.

2nd. The Court further notify that it has been held that under the existing state of the law, charges of fraud and conspiracy brought to light in the course of judicial proceedings must be prosecuted by the aggrieved party in the Criminal Court, and that the Courts have no power of initiating the proceedings in such cases.

No. 1442.

Agra, the 9th September 1853.

To the Civil Authorities in the North Western Provinces.

THE rule contained in the Court's Circular Orders of the 31st August 1838, which directs that whenever in a case, remanded for re-trial, the vakeels of the parties may represent that they have received no instructions to go on with the case, or that they are not prepared to proceed with it, notices shall be issued to the parties, having been found in practice to cause considerable delay in resuming the investigation and decision of such cases, and to give rise to the belief that the vakeels are at liberty to withdraw from the further prosecution of a remanded suit, and that in the event of such withdrawal, the parties must incur the expense and trouble of appointing new vakeels under the usual penalties for default: the Court are pleased to rescind the rule, and to direct that on the receipt of a case, remanded for further investigation or re-trial, in which the vakeels of the parties may be in attendance, they shall be required at once, and without any previous reference to their clients, to proceed with the case in the same manner as if no decision had been passed on it.

The Court observe that under the provisions of Section 34, Regulation XXVII. of 1814, the vakeels, entertained in a Regular suit, are required *without any additional fee* to make all motions, and do all acts which may be necessary until the suit has been *finally* disposed of, for which purpose it has been declared by the Construction No. 852, that a vakalutnamch, executed on the original institution of a suit, unless cancelled by the parties, or otherwise set aside, must be considered operative and in full force until the final judgment shall have been enforced; and as the remand of a case for re-trial, which necessarily carries with it the reversal of the decision of the Court, to which it is returned, manifestly restores the suit to the *status quo ante*, the vakeels, previously entertained, cannot be allowed to withdraw, or to object to proceed with the case solely by reason of the order of remand. It will be their duty, however, in such circumstances to notify, without loss of time, the fact of the return of the case to their clients, and to be guided by the instructions which they may receive from them in their future conduct of the suit.

No. 1582.

Agra, the 1st October, 1853.

To the Civil Authorities in the North Western Provinces.

IN continuation of the Circular Order of the 29th May 1835, No. 148, Volume II., the Court of Sudder Dewanny Adawlut North Western Provinces, order that the Schedule, directed by the Circular Order of the 27th February 1835, (No. 135 of Volume II.) shall include all real property purchased by the Native Judges, subject to their control, whether in their own names, or the names of any of their relatives or other party.

No. 1707.

Agra, the 7th November, 1853.

To the Civil Authorities in the North Western Provinces.

THE attention of the Court having been directed to the want of uniformity which has been found to prevail in fixing the issues for trial in Regular Civil Suits, and to the loose and careless manner in which some of the Courts are in the habit of drawing up the proceeding required by Clause 3, Section 10, Regulation XXVI. of 1814, and Act No. XV. of 1850, whereby the whole object of those enactments is defeated, they are pleased, in addition to the instructions already promulgated on the subject in their Circular Order, 16th May 1848, No. 45, and 4th January 1841, No. 127, to lay down the following general rule, which they desire may be carefully observed for the future, by all the Courts in these provinces, to which the Regulation and Act above quoted extend.

2nd. The Court positively prohibit the introduction, into the proceeding in question, of any part or abstract of the pleadings of the parties, or of any detail of what may have been done in the case, and direct that the body of the proceeding shall be strictly confined to a succinct record of the points at issue between the parties, whether of law or of fact, as they may appear from the pleadings, and which will be numbered 1, 2, 3, &c. consecutively, according to the arrangement in dicated in Paragraph 2 of the Circular Order, 13th September 1843, No. 33. The order at the foot of the proceeding shall simply require the parties to exhibit within a given time, which shall invariably be fixed by the Court, whatever proofs or evidence they may desire to adduce on those points, without any specification of particular documents, or the names of particular witnesses.

3rd. The Court observe that it is frequently the practice of the Courts of 1st instance to set down in the proceeding held under the above Section every allegation, whether material or immaterial to the cause, that may have been advanced by the parties on either side of the case, and to call upon the parties for their proofs in support or refutation of this confused mass of statements and counter-statements, without attempting to discriminate and arrange the real issue or issues of the case. It is therefore necessary to remind them that it is their duty under that Section to reduce the matter of the pleadings to certain determinate issues, and that for this purpose it is incumbent on them to confine themselves in the proceeding to the selection of the points directly material to the cause which are in dispute, and to avoid at this stage of the case any further detail of the allegations which may have been put forward by the parties merely in explanation or affirmation of the main facts. The judicial acumen and proper understanding of the case by the presiding Officer are shown by the manner in which this proceeding is drawn up, and the importance of the proper performance of the rule has been already insisted upon in the Circular Order of the 16th May 1848, above referred to. The duty of the Appellate Court in carrying out the rule has been already noticed in the Circular of the Court of the 16th November 1852, No. 1886.

4th. The proceeding will be headed as in the margin,* and must be drawn up by the presiding Judge, with his own hand, in conformity with the rule contained in Section 2, Act No. XV. of 1850; and the Court will expect the Zillah and, City Judges in their future Annual Civil Reports, particularly to notice the degree of attention which has been paid to these orders by the several Judicial Officers subordinate to them, and the manner in which they have been carried into effect.

* Proceeding of ——— under Clause 3, Section 10, Regulation XXVI. of 1814, dated —— in the case of ——— *versus* ——— claim ———.

No. 1999.

Agra, the 22nd December, 1853.

To the Civil Authorities in the North Western Provinces.

THE Court of Sudder Dewanny Adawlut, having had occasion to notice the existence of frequent misapprehension, as to the precise stage in the proceedings of a case, up to which an adjustment by razeenamah entitles a plaintiff to a refund of the entire value of the stamp used in the plaint, direct that should the razeenamah be filed before the completion of the pleadings, or before the expiration of the eight days' proclamation prescribed by Clause 1, Section 12, Regulation XXVI. of 1814, as required to issue before the case can be brought on for hearing, the plaintiff is entitled to the refund of the full value of the stamp. Should this stage of the proceedings be allowed to pass, he can only recover one-half of the abovementioned amount.

2nd. The Court further direct that all certificates, granted by the Civil Authorities for the refund of the stamp duty in adjusted cases, shall specify the precise stage of the suit at which the razeenamah was filed.

No. 798 OF 1853.

Agra, the 3rd May, 1853.

To the Civil and Sessions Judges in the N. W. Provinces, and Commissioners' information.

I AM directed by the Court to forward for your information, the accompanying copy of a Resolution of the Government of India, dated the 7th January last, and with reference to its two last paragraphs to request that, whenever you may deem it desirable that an Uncovenanted Judge should be removed from one district or division to another, you will, in communication with the Commissioner, report the circumstance to the Court.

(COPY.)

RESOLUTION.

IN the above petition were alleged grave and unqualified general charges against the whole class of Uncovenanted Judges employed under Government, and although, from their nature, it was impossible that such general charges could be formally investigated, the Governor Genral in Council was desirous that every possible enquiry should be made, and that all available information should be obtained, in regard to the working of the uncovenanted agency employed in the Judicial Department in all the Presidencies. With this object, the Local Governments were called upon to report their own and their respective Sudder Courts' opinions regarding the character and qualifications, as a body, of the Native Judicial Officers employed under them.

The tenor of the replies which have been received from the several Presidencies is such as to convince His Lordship in Council, that the charges advanced generally by the Petitioners against this useful class of public servants, are greatly exaggerated; and he believes that he may accept, with confidence, as generally applicable, the gratifying assurance of the Sudder Court of Calcutta, that, "as a body, the Uncovenanted Judges have advanced, and are greatly advancing, in probity, good conduct, and the knowledge requisite for the discharge of their responsible duties."

The Petitioners suggest three measures for the remedy of the evils under which they conceive themselves to labor, from defects in the present system.

1st. The periodical removal from one district to another, of the Uncovenanted Judges, and the Serishtadars and Peishkars of the Covenanted Civil and Criminal Judges.

2nd. The extension of the grounds for special appeal, and

3rd. The examination of witnesses, in civil cases, by the presiding Judge himself.

Of these three measures, the two last have been already considered, and will be introduced by two Draft Acts, (one "for amending the Law of Special Appeals," and the other "to amend the Law of Evidence in the Civil Courts,") which are now under the consideration of Government in the Legislative Department. These two measures, therefore, need not be further noticed now.

In regard to the question of the advantage or disadvantage of the frequent removal of Native Judicial Officers, the opinions of the authorities who have been consulted are much divided. On the whole, the Governor General in Council thinks that Uncovenanted Judges should not be moved periodically, of necessity, or as a matter of course. At the same time, he is of opinion that it is really objectionable that such Officers should be allowed to remain for an unduly long period in one place.

He believes that, without adopting any such general system of periodical removal from district to district, as is proposed, the Executive Government has it always in its power unobjectionably to make such changes of post as, taking both the good and the evil of changes into consideration, are believed to be, upon the whole, good for the public service. There are always some stations less desirable than others, and it is reasonable that, for the most part, Juniors should commence their service in any grade at other than favorite stations. So also it is very proper that deserving Officers, who have done good service in unpopular stations, should be transferred in due time to more desirable places, and whenever it happens that a Native Judge has become really less useful, by reason of his having been fixed for a great length of time in one society, and at one station, he should be removed elsewhere, on that account, without unnecessarily involving in a general change others whose removal will be of no public benefit.

(True Copy.)
A. R. YOUNG,
Under-Secy. to the Govt. of India.

No. 2011 of 1853.

Agra, the 24th December, 1853.

To the Civil and Sessions Judges of the N. W. Provinces.

WITH reference to the Notification of the Secretary to Government No. 4199, of the 5th November, published in the *Gazette* of Tuesday, November the 15th, directing Civil and Sessions Judges to submit their applications for leave of absence through this Court, I am directed to forward, for your information and guidance, the accompanying Extract from a letter from the Secretary to Government, requesting that in the statement of pending cases attached to such applications, the number of Civil cases pending may be entered under two heads; the one of original suits and regular appeals, the other of miscellaneous applications, and appeals of all other descriptions.

Extract paragraph 2nd, of a Letter from the Secretary to Government N. W. Provinces, dated the 17th December 1853, *to the address of the Register to the Court of Sudder Dewanny and Nizamut Adawlut, North Western Provinces.*

Para. 2. The Lieutenant-Governor remarks that in the statement of pending cases attached to such applications, all the Civil cases should not be added together and shown in the aggregate under one general head. There may most conveniently be two sub-divisions of Civil cases, one of original suits and regular appeals, and the other of miscellaneous applications and appeals of all descriptions.

CIRCULAR ORDERS

OF THE

NIZAMUT ADAWLUT,

NORTH WESTERN PROVINCES,

FOR 1853.

No. 72.

Agra, the 13th January, 1853.

To the Criminal Authorities in the North Western Provinces.

THE Court notify, that the mode of procedure, prescribed in Criminal trials by the General Regulations, is applicable to trials held under Section 6, Act VII. of 1845, for breaches of the Canal Rules.

2nd. The Court further direct, that the records of all cases, disposed of under the enactment by the Officers invested under Section 8 thereof with the powers of Joint Magistrates, be sent by them respectively, at the end of each month, to the Magistrate of the Zillah, within which their Jurisdiction lies, who will place them among the records of his Court, and enter the cases in his periodical returns under the heading "Canal Laws, breach of," which is to be introduced into the Schedule of Miscellaneous offences published with the Circular Order No. 398, dated 11th April 1850, in its appropriate place under letter C.

No. 227.

Agra, the 29th January, 1853.

To the Criminal Authorities in the North Western Provinces.

THE Court, having remarked in the Monthly Statements several instances in which prisoners, who were apparently guilty of the offence of receiving stolen property knowing it to have been stolen, were committed to the Sessions Court for trial on a charge of knowingly keeping stolen property in their possession, which charge does not necessarily imply that the property so retained was received with the knowledge that it had been stolen, deem it expedient to call attention to the distinction, pointed out in the Circular Orders Nos. 124 and 215, dated 12th August 1813 and 25th January 1819 respectively, between the *receipt* of stolen goods with a criminal knowledge, which is a *felony*, and the act of retaining possession of them when the knowledge of their having been stolen has arisen subsequently to their receipt, which is a simple *misdemeanor*, and to enjoin greater care and precision in future in framing indictments in cases of the kind in question. The Court further observe that, whenever there may be any

doubt as to whether the higher or lower grade of offence has been committed, the charge should always be made for the higher grade, on the principle already laid down in paragraph 16, of the Circular Order No. 54, dated 16th July 1830.

No. 301.

Agra, the 12th February, 1853.

To the several Criminal Authorities in the North Western Provinces.

THE Court circulate, for general information, the following questions addressed to the Advocate General, and that Officer's replies to them.

QUESTIONS.

1st. Whether in the event of a British-born subject *out* of Calcutta evading or disregarding a subpœna to attend to give evidence before a Mofussil Magistrate, the latter can issue his warrant to have the witness brought up for the purpose of giving his evidence, which includes the further question of what power can be exercised, or procedure followed by a Mofussil Magistrate for the punishment of a British subject refusing to give evidence after being brought before him?

ANSWERS.

I. I am of opinion that a British subject, resident in the Mofussil, is not exempted from appearing as a witness in a criminal case pending in the Courts of the East India Company, and that the Magistrate has full power to summon such British subject, who ought to obey such summons and attend; and if this be so, then I think it follows that the Magistrate may enforce the attendance of such British subject as he would enforce the attendance of any other witness. In summoning a British subject, and in enforcing obedience to such summons, the Magistrate should be guided by the law of procedure in his own Court, which appears to me to be equally applicable to all persons summoned by him as witnesses; and he may therefore, if he thinks fit, and the evidence of the witness is material, proceed under Regulation IV. of 1793, Section 6, and seize the witness and bring him before his Court.

I think, however, that the Mofussil Magistrate has no power to punish a witness if he refuses to give evidence when brought before him; for, although the British subject has no privilege exempting him from appearing as a witness in the Courts of the East India Company, yet he has a privilege, exempting him from punishment by a Mofussil Court, except in certain cases, and this is not one of such cases.

If the case should ever arise of a British subject, refusing to give material evidence when summoned by, or brought before, a Mofussil Court, I would recom-

mend the Government to indict him in the Supreme Court for an obstruction of justice. It seems that an indictment will lie when the Court, whose process is disobeyed, has no power to attach [Russel on Crimes, 497, Note 2], and the Supreme Court is bound to take judicial cognizance of the existence of the Mofussil Criminal Courts, and I therefore think the Supreme Court is bound to punish an offence committed by a British subject, which is an obstruction of justice in such Courts. I think that if it were proved that the evidence of the witness was material, that he was personally served with summons to attend the Mofussil Court, that he was tendered the usual expenses allowed by such Courts, and disobeyed the summons, that he would be convicted in the Supreme Court, and I am of opinion that nothing but good would result from the prosecution, even if unsuccessful, inasmuch as it would call the attention of the Legislature to the state of the law on this point.

2nd. Whether it is necessary, in Criminal cases, to accompany subpœnas to British subjects, with a sum sufficient to defray their expenses to and from the Court?

II. I am of opinion that the Mofussil Magistrate should be guided by the rules and procedure of their own Court as to the expenses of witnesses, but if the witness is poor, and refuses to attend, the tender of his expenses would, I think, be necessary to secure his conviction in the Supreme Court.

3rd. How inhabitants of Calcutta, whether British subjects or natives, can be compelled to appear before the Mofussil Magistrate to give their evidence?

III. The Magistrate should compel the appearance of witnesses resident in Calcutta by warrant regularly endorsed by one of the Judges of the Supreme Court, under Act XXIII. of 1840.

No. 335.

Agra, the 19th February, 1853.

To the Criminal Authorities in the North Western Provinces.

The Court are pleased to direct that the Magisterial Authorities, and particularly those of out-stations, receive petitions of appeal against their sentences and orders for transmission to the Sessions Judge, if presented within the period of appeal; and that the Sessions Judges pass orders on such petition, notwithstanding the appellant has not entered appearance by himself or through an accredited mookhtyar at the Court.

No. 382.

Agra, the 2nd March, 1853.

To the Criminal Authorities in the North Western Provinces.

THE Court request that an error which has been brought to their notice in the translation, published in the *Agra Government Gazette* of the 7th January 1851, of their Circular Order No. 1906, dated 28th December 1850, may be corrected by the substitution of the words مقدمات قابل حکم قتل for the words جرائم کبیرہ as the rendering of the words "capital cases" in the 2nd paragraph.

No. 894.

Agra, the 18th June, 1853.

To the Sessions Judges in the North Western Provinces and Saugor and Commissioner of Kumaon.

THE Court request that the Sessions Judges will prepare and submit the Annual Criminal Reports of their districts for the current and future years in the form annexed, which is framed so as to show the exact state of the files under each head at the close of the year reported upon, the amount of business transacted generally by all the Officers exercising criminal powers, the proportion of convictions and commitments to acquittals, in heinous crimes, and the general analysis of acquittals, the number and results of the commitments and appeals before the Sessions Judges, the average duration of cases, and the periods of detention of witnesses.

2nd. The report should invariably embrace the opinion of the Sessions Judges and the Magistrates in regard to the official character and qualifications of the several Joint Magistrates, Deputy Magistrates and Assistants, Covenanted or Uncovenanted, employed in the districts under their control.

3rd. Any general observations which the Sessions Judges or Magistrates may have to offer on the results exhibited in the statements, or on the Criminal Administration generally should be appended to the Report prepared in this form.

4th. The above report, and the annual statements connected therewith, should be forwarded to this office on or before the 1st of February of every year after they become due.

FORM OF ANNUAL CRIMINAL REPORT.

No. —.

To the Register of the Nizamut Adawlut.

WITH reference to the Court's Circular Order No. 894, dated the 18th June last, I have the honor of submitting the Annual Criminal Statements of this district for the past year, together with a report drawn up in the form therein prescribed.

2nd. The Office of Magistrate was held by Mr. ——————— during the year.

3rd. There were for trial during the year, the cases of ——————— persons, all of which, with the exception of those (——— in number) of ———

remained undisposed of at its close, ———— of these had been pending beyond three months for the reasons given in the margin*. Of —— suits under Act IV. of 1840, for trial during the same period, all, with the exception of ————, were disposed of on the 31st December, ———— of these had been pending more than three months, for the reasons given in the margin†.

* (Here enter the Magistrate's reasons——.)

† (Here enter the Magistrate's reasons——.)

(Here any explanations.)

4th. Statement 6, Column 10, showed only ———— cases in arrear. All the appeals excepting ———— pending ———— from the orders of the Assistants subordinate to the Magistrate, were disposed of during the year.

(As above.)

5th. The Diary of attendance of witnesses

(As above.)

6th. The convictions, commitments, and acquittals in heinous crime*, as exhibited under the 1st 41 headings of Statement No. 1, Part 1, are shown in the margin*. The general analysis of acquittals is similarly shown†.

Convicted, ...
Committed, ...
Acquitted, ...
† Summoned by the Magistrate and his subordinates, ...
Sent in by the Police, ...
Released on bail by do., &c. ..
On default, ...
On compromise, ...
On recognizance, ...
Unconditional, ...

(As above.)

7th. Statement 8 gives the following results :—

		Col. 7.	Col. 8.
185	————	days.	———— days.
185	————	days.	———— days.

(As above.)

8th. The result of the appeals from the orders of the Assistants, preferred to the Magistrate, is shown in the margin*.

	Rejected.	Confirmed.	Reversed.
* Mr. ———— Assistant, ordinary powers, ..			
Mr. ———— Deputy Magistrate, full powers, ...			
Baboo ———— Deputy Magistrate, Sudder Station, with ordinary powers, ...			
Moulvie ———— Law Officer, special powers,			
Total, ..			

(As above.)

9th. Mr. ————, the Magistrate, has made mention of the Officers subordinate to him, in the following terms (here embody the Magistrate's Report regarding the Assistants).

	Rejected.	*Confirmed.*	*Reversed.*
* Regular Appeals, ..			
Appeals under Act IV. of 1840, ...			
Miscellaneous Appeals,			
Total, ..			

10th. The results of appeals* and commitments† to the Sessions Court are shown in the margin.

† Convicted, ...

Referred, ...

Acquitted, ...

(As above.)

11th. In regard to the several Magisterial Authorities, I have to report

(Here give the opinion of the Session Judge.)

12th. Mr. ——— was Session Judge during the year. Out of ——— commitments and ——— appeals for trial during the year, Mr. ——————— decided ——————— of the former, and ——————— of the latter, leaving at the close of it ——————— commitments and ——— appeals under trial.

No. 1160.

Agra, the 22nd August, 1853.

To the Criminal Authorities in the North Western Provinces.

The Court desire to notify, for general information, that when a party is charged with being a principal in a crime, it is not necessary to charge him in a second Count with being an accomplice in the same.

No. 1507.

Agra, the 28th November, 1853.

To the Sessions Judges in the N. W. Provinces.

I am directed by the Court to forward to you the accompanying copy of a letter No. 4344, of the 17th November, directing that after the dispatch to this Court of your Monthly Statements of the cases of Prisoners convicted and acquitted, the Office copies of those Statements shall be forwarded for the perusal of the Commissioner, to whose circle your District may belong.

2nd. The Court request that you will give effect to the orders of the Government.

(COPY.)

No. 4344 of 1853.

FROM, W. MUIR, ESQ.,

Secy. to the Government of the N. W. Provinces.

TO R. THORNTON, ESQ.,

Register to the Court of Nizamut Adawlut, N. W. Provinces.

Dated Lieutenant-Governor's Camp, the 17th November, 1853.

IT being very desirable that the Commissioners of Divisions, in their capacity of Superintendents of Police, should be kept fully informed of the course and result of the trials held upon the commitments made by the several Officers exercising Magisterial Authority under them, I am directed by His Honor the Lieutenant-Governor to request that the several Session Judges may be instructed, after the dispatch to the Court of their Monthly Statements of cases of prisoners convicted and acquitted, to forward the Office copies of those Statements, for the perusal of the Commissioner, to whose circles the Districts may appertain.

2nd. The Commissioners will be directed from this Office, to return these Office copies, after perusal, to the Session Judges, within a brief period, not exceeding one week after their receipt.

3rd. This practice is not intended to supersede the rule under which it is the duty of the Session Judges to bring to the notice of the Commissioners with their own remarks, any particular case in which the proceedings of the Magisterial and Police Officers, as shewn in trials before them, may, in their judgment, call for the special interference or comment of the superior Police Authority.

NOTIFICATION

OF THE

SUDDER DEWANNY ADAWLUT,

NORTH WESTERN PROVINCES.

No. 1946.

Agra, the 9th December, 1853.

In modification of Sections 2 and 31 of the Circular Order No. 481, of the 22nd March 1852, the Court of Sudder Dewanny Adawlut are pleased to notify for general information, that the approaching examinations of Candidates for the Office of Moonsiff and Pleader in the Sudder, Zillah, and Principal Sudder Ameen's Courts, and of Pleader in the Sudder Ameen's and Moonsiff's Courts, will be held by the Divisional and District Committees, upon the 10th and following days of April 1854.

NOTIFICATION

OF THE

NIZAMUT ADAWLUT,

NORTH WESTERN PROVINCES.

No. 1356.

Agra, the 6th October, 1853.

In pursuance of the orders of Government the Court publish for general information their opinion on the bearing of Act XXXI. of 1841, upon appeals from subordinate police officers.

In the Ceded and Conquered Provinces, the appeal, under Section 8, Regulation XI. of 1831, and subsequent enactments, lies from all police officers and their subordinates, to the Magistrate, and from his order to the Superintendent of Police: but in the Province of Benares, there is no appeal for officers drawing a smaller monthly salary than 10 Rupees, while the appeal from officers of higher standing lies to the same quarter as in the Ceded Provinces.

CIRCULAR ORDERS

OF THE

SUDDER BOARD OF REVENUE,

NORTH WESTERN PROVINCES,

FOR 1853.

LAND REVENUE DEPARTMENT.—CIRCULAR B. OF 1853.

To the Commissioners of Delhie, Meerut, Agra, Rohilcund, Allahabad and Benares.

Dated Agra, the 25th January, 1853.

Transfers in Puttedaree Mehals.

The Sudder Board of Revenue, North Western Provinces, issue instructions with respect to the condition of re-payment of the arrears previous to re-entry.

THE Sudder Board of Revenue, North Western Provinces, have had before them the replies to their Circular D., dated 23rd March last, regarding transfers among co-sharers of Puttee-daree estates, and the effect in such transactions of the condition of the re-payment of the arrears previous to re-entry.

2nd. They observe that the practice hitherto has not been uniform, and they consider it desirable that some general rule should be laid down for the guidance of the Local Revenue Authorities, in transfers of this kind.

3rd. The correspondence before the Board proves that the condition of repayment has a tendency to convert a transfer into a virtual sale, and is so far objectionable. On the other hand, it may enable a Collector to induce a Solvent Puttee-dar to come forward, and thus save the necessity of proceeding against the whole Muhal.

4th. The Board therefore leave it to the discretion of the Collectors to introduce this condition whenever they see sufficient reason to do so. But generally the system of allowing unconditional re-entry at the end of the stipulated term should be maintained.

5th. On no account should the Revenue Authorities attempt to enforce the repayment of the arrears, unless this was stipulated for, and recorded at the time of transfer, nor should such a stipulation, when so recorded, be rescinded or ignored without the consent of the parties interested.

6th. The papers before the Board shew that there are several cases of transfer requiring special orders. Most of these you will be enabled to dispose of under the general rule contained in the preceding paragraph, but any which in your opinion require the orders of the Board should be separately and fully reported.

7th. You are requested to circulate the instructions contained in this letter for the information and guidance of the Collectors of your Division.

NOTIFICATION.

REVENUE DEPARTMENT.

Agra, the 17th June, 1853.

THE Sudder Board of Revenue, North Western Provinces, observe that there are two errors in the Oordoo translation of the form given in paragraph 2 of their Circular No. 16, dated 19th September 1849, published in the *Agra Government Gazette* of the 26th of the same month.

2nd. In the second and sixth columns of the form the heading should be "Mujrooah Mah Bahan," or cultivated land including land prepared for cultivation, instead of "Cabil Zuraut," or culturable land. The latter is included in the malgoozaree columns 3 and 7 of the form.

LAND REVENUE DEPARTMENT.—CIRCULAR O. OF 1853.

To the Commissioners of Delhie, Meerut, Agra, Rohilcund, Allahabad and Benares.

Dated Agra, the 21st June, 1853.

ADVERTING to the numerous dismissals of Putwarees, and the great inconvenience often sustained by village communities, where this severe measure is adopted without sufficient reason, the Board request the attention of the Commissioner and Collectors to the following directions.

Putwarees.

The Board lay down rules defining the pains and penalties to which these officers are to be made liable for misconduct in the discharge of their duties. Commissioners to send quarterly numerical statements of dismissals of Putwarees commencing from the present official year.

2nd. Regulation XII. 1817 declares the punishments to which Putwarees are liable for gross and criminal misconduct. These are dismissal from office upon well founded complaints, or proofs otherwise, furnished to the Collector, and by him to the Commissioner of the necessity of this measure; arrest and confinement for contumacious refusal to render accounts or give evidence; and sentences by the Sessions Court for perjury or falsification.

3rd. The Regulation does not specify penalties for minor misconduct, but as it empowers the Board to determine the duties to be performed, and the emoluments to be received by Putwarees, the discretion, as to the mode of dealing with neglect or breach of its rules, is therein implied.

Sections 16 and 18, Regulation XII. 1817.

4th. The imposition of suitable fines in such cases has been recommended to the Board, and they are aware of no objection to the measure, provided it be restricted to official delinquencies, and that in every case previous to passing the order, both the Putwaree be afforded an opportunity of explaining his conduct, and a memorandum of his authorized remuneration be placed with the papers. The failure of a Putwaree within a reasonable time to discharge a fine justly imposed, and suited to his means, must necessarily involve his dismissal.

5th. Admitting the necessity of the measure in some cases, the Board remark that recourse to it will be rare, if systematic adherence is observed to the existing rules of practice in cases of Summary adjudication, by which Putwarees like other parties are liable to penalties sufficient for warning.

6th. Summary suits for accounts and monies, are cognizable against Putwarees *entrusted with the management of estates.* If the claim is proved they should be charged with costs. The plea of official position, sometimes advanced as a reason for being exempted, is inadmissible.

Section 19, Regulation V. 1800.
Section 37, Ditto XXVIII. 1803.

7th. The same rule should be observed in cases of complaints against Putwarees in their capacity of village accountants, in which they are unable to justify their refusal to render accounts to parties entitled to them.

8th. It should be especially maintained in cases of complaint of wrong entries, as it is in such cases that the conduct or judgment of the Putwaree is more frequently questioned. Where such are established, it is but reasonable that the Putwarees should bear the costs of parties, who have been compelled by their ignorance, neglect, or perverseness, to seek redress.

C. O. Sudder Board Revenue, No. XI., 21st March 1843, paragraph 8th.

9th. The Board do not, by these remarks, restrict the exercise of the discretion vested in the Revenue Officers of leaving each party to pay their costs in doubtful cases.

10th. Commissioners are required, till further notice, to submit quarterly numerical statements of dismissals of Putwarees, commencing from the present official year.

Return of Putwarees dismissed in Zillah for the Quarter of

At the instance of complainant	On the Collector's own motion
1	2
Total 3	

11th. These statements should be sent to the Board collectively for all the districts of your division, and not one by one as each is received in your office. They should reach the Board at latest six weeks after the close of the quarter of the official year to which they refer.

12th. You will consider this Circular as superseding the orders of the Board noted in the margin, by which the Collectors were prohibited from inflicting fines on Putwarees.

For Benares and Rohilcund only. } Benares, 26th June 1846, No. 140. Rohilcund, 2nd June 1843, No. 201.

Land Revenue Department.—Circular S. of 1853.

To the Commissioners of Delhie, Meerut, Agra, Rohilcund and Allahabad Divisions.

Dated Agra, the 2nd September, 1853.

With the sanction of Government, the Sudder Board of Revenue request, you will instruct the Collectors, to give effect to the following modification of the rules in Circular Order No. 16, 1848, from the ensuing season.

Rules to guide Collectors in case of accession, or loss of area from rivers.

The Board, with the sanction of Government, request him to instruct the Collectors to give effect from the ensuing season, to the Rules in their Circular Order No. 16 of 1848, dated 19th September, as now modified by them.

2nd. Annual inspection and summary settlements, as a general rule, will be restricted to one or more Pergunnahs in regular rotation, by an arrangement which will subject each to inspection once in five years.

3rd. The Collectors should submit a schedule of Pergunnahs, to which the rules of the Circular Order apply, in the form annexed. When this has been approved, there must be no deviation from routine, except under these circumstances.

Scheme of Quinquennial Revision.

District.	Year.	Names of Pergunnahs.					
		Pergunnah.	Pergunnah.	Pergunnah.	Pergunnah.	Pergunnah.	Pergunnah.
	1853-54,	Mhow,	0	0	0	0	0
	1854-55,	0	Moostufa-bad,	0	0	0	0
	1855-56,	0	0	Shahabad,	0	0	0
	1856-57,	0	0	0	Lukna,	Kote,	0
	1857-58,	0	0	0	0	0	Koel.
	1858-59,	Mhow,	0	0	0	0	0
	1859-60,	0	Moostufa-bad,	0	0	0	0
	1860-61,	0	0	Shahabad,	0	0	0
	1861-62,	0	0	0	Lukna,	Kote,	0
	1862-63,	0	0	0	0	0	Koel.

4th. In cases of very extensive increment, it may not be reasonable to defer assertion of the right of the State, till the year fixed for the inspection of the Pergunnah comes round; but such previous to interference should be reported to the Commissioner for orders.

5th. In other cases disputes, about alluvial increments, may become serious by delay. The Collector's interference to adjust boundary and other disputes is not barred, but he must not assess the land in any case, out of term, according to the scheme of revision, without sanction first obtained.

6th. Proprietors of Estates, the settlement compacts of which, contain the condition for revision, may claim relief in any year on account of diluvion, investigation should not be refused, and if loss of area and assets, exceeding the limitation, be proved, relief must be afforded; but when such claims are made during the period the rest of the Pergunnah is exempted from interference; the proprietors must be reminded, that they subject themselves to the inconvenience of *annual* inspection of their lands, a measure which must be enforced, in order to see if progress can be made, by reason of beneficial changes, in reverting to the standard of the last general settlement.

7th. The Board feel assured that if this scheme of quinquennial revision involving as a general rule non-interference with alluvial increment farmed *ad interim*, be fairly carried out, stimulus will be given to agricultural enterprize, and claims of remission will be restricted to cases where the estate is really disabled by diluvion from paying the jumma.

8th. By this modification of the former rules, the labor of the Collectors will be considerably lessened. The Board expect that the work in this department of Revenue Officers' duties will be promptly undertaken, reported and disposed of.

9th. Operations must not be deferred from one season to the next ensuing, for this would prejudice the scheme of quinquennial recurring revision, would involve not only a breach of regularity, but of good faith.

10th. Adverting to paragraph 8 of the Circular Order No. 16, 1848. Collectors should not retain their summary settlement statement till they submit their annual review. The former should be despatched as soon as the settlement has been made, the latter by the 1st April, certainly not later than 30th idem.

11th. In order to ensure that the new system may come fairly into operation from the ensuing cold season, the Board request that all old and pending cases in the several Districts of your Division, may be disposed of with all possible despatch. If they have not yet been reported to the Board, the reports should be no longer delayed. If they have been returned for correction, the necessary revision should be made, and the papers re-submitted at once.

No. 1.

Agra, the 6th September, 1853.

In modification of Circular Order C, dated 2nd March, and L, 31st August 1852, the Sudder Board of Revenue direct attention to the principles and practice to be observed in enforcing and disposing of the claims of the State in Pauper Suits.

2nd. By law these claims are to be enforced immediately after the decision of the suit. It is the duty of the Government Vakeel thereupon to give prompt intimation to the Collector, and to apply to the Court. It is the duty of the Revenue Officers to aid the Vakeel in search for available assets, and to proceed systematically in the case till the Government claim is satisfied, or otherwise till the requisite sanction to relinquishment is obtained.

Clause 9, Section 15, Regulation XXVI. 1814.
Circular Order Sudder Dewanny Adawlut, No. 87, 24th April 1840.
Idem.
No. 56.
13th January 1849.

3rd. In Pauper Suits the Government claims are of two kinds. The value of stamps is a demand involving no previous expenditure. The amount that is incapable of realization must, with the sanction of the Commissioner, be erased from the register of such dues. But costs, vakeel's fees, and other expenses, involve dis-

bursements, and the amount of which repayment cannot be effected, must with the sanction of the same authority be charged in Contingent Bills, subject to audit, and adjustment, in the public account, conformably to the rules in the Accountant's Manual.

4th. The forms appended to this Circular are prescribed for future observance, none other are required, and the practice to be followed is indicated in explanatory directions for each.

5th. Form No. I. On the decision of a Pauper Suit, the Government Vakeel should fill up this form with the requisite particulars, and send it to the Collector, stating at foot the course he advises, and requesting aid in search for tangible assets. On receipt of this form in the Revenue Office, it should be placed on a file, the record of which will show subsequent proceedings. A judicious distribution of these cases between the Collector and his Deputies will accelerate progress, a new heading will be provided in the Collector's Monthly Statements of business for these cases, entitled "Claims of Government in Pauper Suits."

6th. Form No. II. The Collector's Register should be a folio, with a page for each case. The requisite particulars should be inserted from the Vakeel's Register No. I. at once. Thereafter memoranda should be added of results, of the amount of stamp dues realized, and costs recovered, or, if realization or recovery is impracticable, of the date of sanction to the former being erased, and the latter being charged in Contingent Bills.

7th. Commissioners on their tours of inspection should be careful to see that these Register books are properly kept.

8th. Form No. III. The detailed statements of cases reported to Commissioners. It is not necessary to submit them, except for those cases in which the Government claim cannot be satisfied. These reports should not be delayed; the system of allowing a number of cases to accumulate is objectionable. When all legal means have failed, the statement should be submitted, and on receipt of Commissioner's sanction, the case should be struck off the file.

9th. The reports should be explicit; it will not be necessary always to forward the vernacular record with the English statements, but the Commissioners should call for the former occasionally, to see that proper precautions have been taken; and in their replies to the Collector's references should give separate paragraphs, authorizing unrealizable stamp dues to be erased, and irrecoverable costs to be charged in Contingent Bills.

10th. Commissioners need not submit periodically detailed statements of cases in which they have authorized relinquishment. The Board will call for the Collector's detailed statements for any quarter, when they deem it requisite, on inspection of Form No. IV.

11th. Form No. IV. is the Abstract Statement of Progress based on the entries in No. II., compared with the files and Treasury Account. Collectors should submit these quarterly, following the divisions of the official year, but if this department is neglected, the returns should be called for monthly.

12th. The Commissioner's Abstract Statement of Progress in the same form will be submitted to the Board, for the present quarterly and annually, according to the official year: these are the only returns which the Board require on this subject.

I.

Government Vakeel's Register for each case.

1	2	3	4	5	6				7
					Amount of Stamp Duties due to Government and Costs.				
					Stamp duties.		*Costs and Expenses.*		
Date of Report to Collector.	No. of the Suit.	Names of Parties.	Substance of plaint and value.	Date and nature of final order.	Parties liable.	Amount.	Parties liable.	Amount.	Remarks.
		A. v. B.							Residence of parties liable; measures recommended to be taken.

N. B.—The entry in Column 3 will suffice to show if Government is or is not a party to the suit.

II.

Collector's Register of Government dues in Pauper Suits.

					Amount of Government dues.				
					Stamp Duties.		*Costs and Expenses.*		
Date of Registry.	No. of the Suit.	Name of Parties.	Substance of the plaint and value.	Date and nature of final order.	Parties liable.	Amount.	Parties liable.	Amount.	Result of measures to adjust account.

III.

Detailed Statement of Government dues in Pauper Suits reported as irrecoverable.

District.	No. of the suit.	Names of parties.	Substance of plaint and value.	Date and nature of final order.	Amount of Government Dues.					Explanation of measures taken, and result.
					Items.	Amount.	Realized.	Balance.	Parties liable.	
					Stamp dues, ..	0 0 0	0 0 0	0 0 0		
					Costs, ...	0 0 0	0 0 0	0 0 0		

IV.

Abstract Statement of Progress made in asserting the claims of Government in Pauper Suits.

Amount of Stamp Duties.								Costs and Expenses.					
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.	14.
District.	Balance due at close of	Amount since ascertained.	Total of Columns 2 and 3.	Amount realized in	Amount erased with Commr.'s sanction in	Total of Columns 5 and 6.	Remaining due on	Balance due at close of	Amount since incurred.	Recovered.	Remitted with Commr.'s sanction.	Balance remaining due.	Remarks.
													Registry date of oldest cases.

Notification, Revenue Department,—

THE Sudder Board of Revenue, North Western Provinces, publish for general
the Regulation Districts of these Provinces on the
2nd.—A detailed report of the operations of the census is
3rd.—That report will explain the variations in those entries, which have been altered

Statistical Return of Land Revenue, Area, and Population in the Districts

Division.	District.	Number of Mouzahs or Townships.	Area in square British Statute miles of 640 acres each.	Area in acres.	Malgoozaree or assessed land. Cultivated acres.	Malgoozaree or assessed land. Culturable acres.	Minhaee or unassessed land. Lakhiraj acres.	Minhaee or unassessed land. Barren acres.	Demand on account of land revenue for 1851-52 in Rs.	Rate per acre on Total area.
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.
Delhi.	Paneeput, ...	538	1269·9	812745	407051	261747	19398	124549	827123	1 0 3
	Hissar, ...	653	3294·2	2108279	988923	864099	85528	169729	465760	0 3 6
	Dehlie, ...	568	789·7	505320	263208	76535	91402	74125	456487	0 14 5
	Rohtuck, ...	300	1340·4	857885	641792	147183	22730	46180	631132	0 11 9
	Goorgaon, ...	1274	1939·1	1241017	895940	168428	16352	160297	1047231	0 13 6
	Total, ..	3333	8633·3	5525246	3196914	1518042	235410	574880	3427736	0 9 11
Meerut.	Saharunpoor, ...	1904	2162·3	1383898	774253	211449	54597	343599	1064513	0 12 4
	Moozuffernugger, ..	1138	1646·3	1053641	670468	153173	76287	153713	1107538	1 0 10
	Meerut, ...	1688	2200·1	1408063	907758	236021	82028	182256	1693046	1 3 3
	Boolundshahur, ..	1576	1823·6	1167094	715587	143260	88036	220211	1056835	0 14 6
	Allyghur, ...	1997	2153·4	1378204	961076	77725	41070	298333	1985136	1 7 1
	Total, ..	8253	9985·7	6390900	4029142	821628	342018	1198112	6907068	1 1 0
Rohilkund.	Bijnore, ...	3030	1900·0	1216005	590622	175553	42626	407204	1197695	0 13 9
	Mooradabad, ...	3484	2698·8	1727216	839919	308851	256086	322360	1340312	0 12 5
	Budaon, ...	2232	2401·9	1537191	928299	286055	69734	253103	1097329	0 11 5
	Bareilly, ...	3563	3119·1	1996224	1056961	394810	83630	460823	1769610	0 14 2
	Shahjehanpoor, ..	2785	2308·4	1477359	716201	453032	33067	275059	1060318	0 11 9
	Total, ..	15094	12428·2	7953995	4132002	1618301	485143	1718549	6465264	0 13 0
Agra.	Muttra, ...	1019	1613·4	1032542	733362	87224	97649	114307	1657283	1 9 9
	Agra, ...	1143	1864·9	1193537	747536	118104	84460	243437	1622980	1 5 9
	Furruckabad, ..	2017	2122·9	1358685	749023	178345	69985	361332	1333011	0 15 8
	Mynpoory, ...	1344	2020·2	1292946	687098	114526	8510	482812	1267079	0 15 8
	Etawah, ...	1495	1677·0	1073276	557804	59927	29143	426402	1272086	1 3 0
	Total, ..	7018	9298·4	5950986	3474823	558126	289747	1628290	7152439	1 3 3
Allahabad.	Cawnpoor, ...	2257	2348·6	1502699	800438	149232	61992	491037	2144075	1 6 10
	Futtehpoor, ...	1617	1583·1	1013171	509793	131895	9417	362066	1426205	1 6 6
	Humeerpoor, ..	997	2241·6	1434651	770254	316504	14531	333362	1277864	0 14 3
	Banda, ...	1257	3009·6	1926112	846831	561281	82934	435066	1591377	0 13 3
	Allahabad, ...	4003	2788·7	1784780	971558	247255	28240	537727	2141221	1 3 2
	Total, ..	10131	11971·0	7661413	3898874	1406167	197114	2159258	8580742	1 1 11
Benares.	Goruckpoor, ...	15714	7340·2	4697706	2232901	1268024	160732	1036049	2133931	0 7 3
	Azimgurh, ...	6270	2516·4	1610498	798707	213729	41027	557035	1489619	0 14 10
	Jounpoor, ...	3431	1552·2	993383	573616	58121	23497	338149	1254095	1 4 2
	Mirzapoor, ...	5280	5152·3	3297472	768296	293394	1421412	814370	839732	0 4 1
	Benares, ...	2296	995·5	637107	420069	35791	29571	151676	903358	1 6 8
	Ghuzeepoor, ...	5088	2181·0	1395808	924884	151168	41532	278224	1500426	1 1 2
	Total, ..	38079	19737·6	12631974	5718473	2020227	1717771	3175503	8121161	0 10 3
	Grand Total, ..	81908	72054·2	46114514	24450228	7942491	3267203	10454592	40654410	0 14 1

Agra, the 4th October, 1853.

information the subjoined abstract of the results of the census, which was taken in 1st January of the present year.

now in the Press, and will shortly be published.

since the returns were received from the officers in charge of the several Districts.

of the North Western Provinces, prepared in 1852-53.

Rate per acre on Total Malgoozaree.	Rate per acre on Total cultivation.	Population. Hindoos. Agricultural. Male.	Hindoos. Agricultural. Female.	Hindoos. Non-Agricultural. Male.	Hindoos. Non-Agricultural. Female.	Mahomedan and others not Hindoo. Agricultural. Male.	Mahomedan and others not Hindoo. Agricultural. Female.	Mahomedan and others not Hindoo. Non-Agricultural. Male.	Mahomedan and others not Hindoo. Non-Agricultural. Female.	Total.	No. of persons to each square British Statute mile, 640 acres each.	Number of acres to each person.
12.	13.	14.	15.	16.	17.	18.	19.	20.	21.	22.	23.	24.
1 3 9	2 0 6	94360	73397	49252	38802	20411	16869	51643	44351	389085	306	2·09
0 4 0	0 7 6	113974	93170	23555	17207	33638	28189	12044	9075	330852	100	6·37
1 5 6	1 11 9	93963	77731	78912	65459	10036	8881	52292	48470	435744	552	1·16
0 12 10	0 15 9	117168	102275	61770	50610	11890	12059	11451	9790	377013	281	2·27
0 15 9	1 2 8	174457	147726	73138	65453	85314	73057	22107	21234	662486	342	1·87
0 11 8	1 1 2	593922	494299	286627	237531	161289	139055	149537	132920	2195180	254	2·52
1 1 3	1 6 0	155176	109146	165789	125829	53281	44833	79840	67431	801325	370	1·73
1 5 6	1 10 10	135478	105766	133273	115652	44336	39607	51672	47075	672861	409	1·56
1 7 8	1 13 10	237105	190680	245814	211639	43996	38354	88386	79098	1135072	516	1·24
1 3 8	1 7 8	182783	152925	154520	143468	24512	23259	49164	47711	778342	427	1·50
1 14 7	2 1 1	273368	229145	269663	241198	15475	14047	47369	44300	1134565	527	1·21
1 6 9	1 11 5	983910	787664	969059	837786	181600	160100	316431	285615	4522165	453	1·41
1 9 0	2 3 2	126819	98796	128377	110802	25613	22811	96425	85878	695521	366	1·75
1 2 8	1 9 6	273881	228450	139417	124246	95925	86842	97249	92451	1138461	422	1·52
0 14 6	1 2 11	386097	321094	92372	77946	40792	36678	33674	30508	1019161	424	1·51
1 3 6	1 10 9	462647	398764	110757	97169	75540	67921	84481	80989	1378268	442	1·45
0 14 6	1 7 8	380372	317803	85589	74768	27434	25099	36354	38677	986096	427	1·50
1 2 0	1 9 0	1629816	1364907	556512	484931	265304	239351	348183	328503	5217507	419	1·52
2 0 4	2 4 2	274285	231893	152452	134329	14004	11909	23226	20811	862909	535	1·20
1 14 0	2 2 9	315239	256087	177098	146714	13551	11521	42533	38318	1001961	537	1·19
1 7 0	1 12 6	389191	306376	130824	110356	24861	20747	41013	41239	1064607	501	1·28
1 9 3	1 13 6	347819	271840	89684	71738	10637	9456	16738	14802	832714	412	1·55
2 0 11	2 4 6	225376	175991	96249	80542	4843	4484	12166	11314	610965	364	1·76
1 12 4	2 0 11	1551910	1243087	646307	543679	67896	58117	135676	126484	4373156	465	1·36
2 4 1	2 10 10	361396	316720	213925	193091	10158	9732	36614	32920	1174556	500	1·28
2 3 7	2 12 9	195857	168302	127106	121172	14435	13571	19904	19440	679787	428	1·49
1 2 10	1 10 7	205018	175086	67863	60618	7595	7084	13102	12238	548604	245	2·61
1 2 1	1 14 1	258153	232162	105835	97541	11872	11175	14298	12836	743872	247	2·59
1 12 1	2 3 3	421873	375459	208282	194313	33454	31857	59189	55361	1379788	495	1·29
1 9 11	2 3 3	1442297	1267729	723011	666735	77514	73419	143107	132795	4526607	378	1·69
0 9 9	0 15 3	1184954	1082559	236681	212581	136121	126012	57234	51732	3087874	421	1·52
1 7 6	1 13 10	646984	552356	120288	107302	54922	50781	62940	57678	1653251	657	·97
1 15 9	2 3 0	442429	378734	108690	101735	22356	20992	34782	34081	1143749	737	·87
0 12 6	1 1 6	336134	312986	193985	186793	7906	7458	30724	28329	1104315	214	2·98
1 15 9	2 2 5	220243	107909	181768	169196	4515	4512	38252	35362	851757	856	·75
1 6 4	1 9 11	516533	467738	231525	222229	17527	17523	63128	60061	1596324	732	·87
1 0 9	1 6 9	3347337	2992282	1072937	999836	243347	227278	287010	267243	9437270	478	1·34
1 4 1	1 8 2	9549192	8149968	4254453	3770498	996950	897320	1379941	1273560	30271885	420	1·52

LAND REVENUE DEPARTMENT: CIRCULAR Y. OF 1853.

To the Commissioners of Dehlie, Meerut, Agra, Rohilcund, Allahabad, and Benares Divisions.

Dated Agra, the 18th October, 1853.

Assessment alluvial increment to rent-free estate.

The Board call attention to the orders of Government, No. 2555, dated 18th July 1851, which rule under what circumstances and with whom the assessment of an alluvial increment of culturable land to a rent-free estate is to be made.

THE Sudder Board of Revenue have ascertained that doubts exist regarding the construction of paragraph 214, Directions to Collectors, which provides for the assessment of an alluvial increment of culturable land to a rent-free estate, exceeding 10 per cent. of the total area of the maafee grant.

2nd.—They accordingly direct your attention to the following abstract of the orders of Government, dated 18th July 1851, No. 2555, which rule under what circumstances, and with whom the assessment of such land is to be made.

3rd.—The maafeedar is the grantee of the Government portion of the produce from a given area. If by alluvion that area is increased he had no right to the Government share of the produce from that increase. The rule of the Government, that no assessment shall take place unless the increment exceed 10 per cent. is merely to prevent the petty annoyance of constant enquiry, whenever any increment to the mehal takes place. But when once the increase has been such as to render enquiry and assessment necessary, there is no apparent reason why the whole increment should not be assessed. The right of the maafeedar is to the Government share of the produce on a certain number of Beegahs, but not 10 per cent. more than that number.

4th.—In Khalsah lands the Board's Circular of 19th September 1848 (Appendix No. XXII. Directions for Collectors, paragraph 5, Clause 1) prescribes that when the addition of culturable or otherwise productive land amounts to 10 per cent. above the cultivated area of the mehal, a new Settlement of the *freshly gained lands*, or of the entire mehal must be made. This implies that the whole increment may be assessed, and that seems to the Lieutenant-Governor to agree with the object of the rule. The design of the rule is not to create a new right to more than the area, but to prevent the assertion of the Government right to the excess from being vexatious.

5th.—Another question is raised as to whether the 10 per cent. above the registered area belongs to the zemindar or maafeedar. On this point, it is to be observed that the whole of the newly accrued land, whether within, or in excess of, the limit of 10 per cent. must be held on the same footing and under the same management. The Lieutenant-Governor, however, is not inclined to think that the Settlement of the new land should be made in all cases with the proprietor when that person is other than the maafeedar. If the proprietor has the management of the land comprised in the maafee tenure on a lease either from the Collector or from the maafeedar, then he should be admitted to engagements for the newly-farmed Khalsah tract. But if the maafeedar himself has retained the whole management of the rent-free tenure, he should be allowed to engage for the new land also, any perquisites which the proprietor may hitherto have received being increased in proportion to the value of the area added to the estate.

CIRCULAR No. 2.

Agra, the 6th December, 1853.

To the Revenue Authorities, North Western Provinces.

THE Sudder Board of Revenue, North Western Provinces, in modification of their Circular No. 11, dated 28th November 1851, direct that the half-yearly transmission of Registers of Deposits in the Collectorate Treasuries be in future discontinued.

2nd.—Commissioners on their annual tours of inspection should examine the Registers at each Treasury, and pass orders regarding items especially of old date, which require explanation or attention.

3rd.—Collectors should furnish, at the close of the official year, a Memorandum in the form marginally* noted, of the number of items of Deposit, their total amount, and the dates of a few of the oldest items, with such remarks as may be considered appropriate.

* *Memorandum of Deposits in Zillah* *at the close of* 185 5 .

Number of items.	Total Amount.	Oldest dates.	Remarks.
1.	2.	3.	4.

This Memorandum should accompany the Revenue Administration Report, and a divisional abstract of the first three columns should be prepared in the Commissioner's office, and submitted with the Annual Report to the Board.

CUSTOMS DEPARTMENT.

No. A. OF 1853.

Agra, the 31st May 1853.

THE Sudder Board of Revenue, North Western Provinces, with the approval of Government, prescribe the following rules (similar to those relating to Churrus promulgated by their Circular Order No. 2 of 1852,) to regulate the transport of Ganja into or through the districts of the North Western Provinces.

I.—Parties desirous of importing Ganja into the districts of the North Western Provinces must obtain a pass for each despatch, which must not be of less weight than one maund, from the officer in charge of the Abkaree Mehal of the border district into which the Ganja is to be imported.

II.—Parties desirous of transporting Ganja from one district to another of the North Western Provinces must similarly obtain a pass for each despatch, which must not be of less weight than one maund, from the officer in charge of the Abkaree Mehal in the district from which the Ganja is to be removed.

III.—The name of the party in charge of the despatch and of the consignee, the number of packages and weight of each, and the destination of the despatch, must be specified in the pass. The officer issuing it should ascertain that the number and weight of the packages are correctly inserted, and that no package is of less weight than one maund. Each package should be officially stamped in his presence. The pass will protect the despatch, if kept entire, through intermediate districts without necessity of renewal.

IV.—Should the owner or his authorized agent in charge of the despatch desire to divide it in transit, passes must be obtained for each division of the despatch with the specifications above stated, from the officer in charge of the Abkaree Mehal of the district in which such division is made. The original pass will be surrendered in such case to that officer.

V.—At the final place of destination the pass must be presented to the officer in charge of the Abkaree Mehal of the district, whose duty it will be to see that the specified quantity has been brought in and delivered.

VI.—If the owner of the despatch is desirous to sell part of it in transit, the authorized officer will, on the appearance of the seller and buyer, the latter being d uly licensed, note the transaction on the pass, so as to show what quantity of the drug, and what number of packages remain covered by that document, but no quantity of less than one maund may be sold, nor the remainder, if less than one maund, be made up into a separate package for transport.

VII.—No such wholesale transaction shall be allowed in any case except to a licensed vendor, or where the duties are farmed, to a person duly commissioned by the Government contractor for the time being. If otherwise sold, or the contents of any package disposed of without due authority, the whole despatch will be confiscated and the owners subjected to the penalties of the excise laws.

VIII.—No pass shall be granted in terms signifying that it is for the safe conduct of Ganja from British into Foreign Territory, but protection of despatches under passes granted as above will be extended to the frontier.

Customs Department. Circular D. of 1853.

To the Commissioners of Meerut, Agra, Rohilcund, Allahabad, Benares, Dehlie, Saugor, and Kumaon Divisions.

Dated Agra, the 25th October, 1853.

Abkaree Settlements.

The Board issue instructions and prescribe a form for Abkaree Settlements.

* Deputy Commissioner, Saugor.

The Board having been requested to prescribe a form of report of Abkaree Settlements, which Collectors* should submit to Commissioners, have called for those now in use in these provinces.

2nd.—They are found to vary not only in Divisions, but in Districts of the same Division, and in some cases elaborate additional statements are appended.

3rd.—The annexed form has been framed with the object of dispensing with additional Statements and Memoranda, required by the Board's Circular Orders noted in the margin*, and in some instances by orders of Commissioners.

* Circular Orders Sudder Board of Revenue, No. A., dated 16th April 1852, No. 41, dated 15th July 1853.

4th.—The annual Statement of Settlement should be sent to the Commissioner in duplicate, one copy being required by the Board. It should be drawn out on Foolscap, with one series of headings, an additional sheet without headings being added if necessary.

5th.—It will be observed in reference to the form prescribed that the Settlement must be made and reported before the expiration of each current year. The Settlement should be made in the last week of March, or the first week of April, notification inviting tenders having been issued one full month before hand.

6th.—It is usual in some districts to insert a Clause in the engagement with contractors, providing that the whole demand of the year shall be liquidated, ten days before its close. This prevents balances appearing in the annual accounts, which are often nominal, the whole amount having been paid at the Tehseeldarees, but the remittances not having been received at the Collectorate Treasury until after the close of the official year. The Board direct that this practice be observed in future in all the districts.

7th.—You are requested to transmit copy of this order, and the form annexed, in which explanatory notes have been given to prevent error, to the several Collectors* for their guidance.

* Deputy Commissioner, Saugor.

8th.—The form will be added to the Board's sanctioned list, and the usual specimens circulated as soon as it has been printed.

Statement of the Settlement of Abkaree &c., for the year 1850-51.

1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.
Zillah.	Pergunnah.	Name of Farmer.	Security.	Number of shops.	Demand. Year 185 5	Demand. 185 5	Increase.	Decrease.	Nett Collections.	Average Collections 10 years.	Remarks.
						Abkaree.					Column 2. It is preferable to take contracts for pergunnahs instead of fiscal or police divisions, as the former are shown on the district Maps. Forms with environs are of course excepted, and should be entered in this column.
						Tauree.					„ 3. If the duties are not farmed, kham should be entered.
											„ 4. If the security be cash or notes, state the amount, otherwise the name of security.
						Drugs.*					„ 5 This should shew distilleries and places of licensed vend not distilleries.
											„ 6. If the pergunnah is held kham, state the nett revenue to the end of March, as it is presumed that the settlement will be reported in April.
						Retail, Opium, &c.,					„ 7. If contracts are not obtainable, insert the estimated revenue of the coming season under kham management.
											„ 8 & 9. Attention to the rules under 6 and 7 is necessary, otherwise the entries in these columns will be useless.
											„ 10 As the settlement should be reported in April, this column should shew nett collections to the end of March.
											„ 11. The actual average collections should be shewn for each pergunnah if practicable, and of course for the whole district.
											* Contracts for the farm of the drug mehal are usually for 3 years, but special sanction is necessary; state the *amount* for the year, and give a note referring to sanction obtained or application submitted in remarks.

Customs Department. Circular C. C. of 1853.

To the Commissioners of Delhie, Meerut, Agra, Rohilcund, Allahabad, Benares and Saugor.
Dated Agra, the 20th December, 1853.

Opium Indent.

The Board request that for the future the Opium indents of each Division be forwarded to them on the 10th of May in each year at latest, to enable them to forward the general indent before the 10th June, failing which an explanatory letter should invariably be submitted.

The Opium Agent at Benares has pointed out to the Sudder Board of Revenue that inconvenience is experienced by the receipt in his office, of the general Opium indent for these Provinces at a late period of the season, and has expressed a wish to receive it annually on or before the 10th June.

2nd.—To enable the Board to comply with this application, they request that you will for the future forward to them the Opium indent of your Division on the 10th May in each year at latest, failing which you will invariably submit an explanatory letter.

3rd.—A collective indent for the whole Division compiled in your office accordng to the form already in use should alone be forwarded on or before the date above specified, and the indents of the several Districts should not be submitted separately to the Board as each is received.

4th.—The Collectors of your Division should be instructed to furnish an explanation of the delay whenever they may fail to supply the indents by the date you may prescribe.

5th.—I am desire l to add that Columns 2 and 4 in the form* prescribed, should not show the same quantity, but the entry in Column 2 should be the aggregate of the entries in Columns 3 and 4. The Board have frequently had occasion to point out this error in the returns received from some Divisions.

* District.	Quantity required for 185 5 .	Balance in Store.	Necessary to be supplied.	REMARKS.
1	2	3	4	5

CIRCULAR ORDERS

OF THE

ACCOUNTANT'S OFFICE,

NORTH WESTERN PROVINCES,

FOR 1853.

No. 283.

Agra, the 21st January, 1853.

To all Officers in charge of Revenue Treasuries in the North Western Provinces, and in the Cis and Trans-Sutlej States, and in the Punjab and Trans-Indus Territory.

WITH reference to the 3rd paragraph of the Notification issued by the Hon'ble the Lieutenant-Governor, under date the 22nd ultimo, and published in the *Agra Government Gazette*, dated 18th instant, directing that from and after the 1st January 1853, no gold coin will be received on account of payments due or in any way to be made to the Government in any Public Treasury, I have to request that you will, in compliance therewith, consider the 2nd Clause of paragraph 2 in page 54 of the Accountant's Manual, as hereby cancelled.

No. 284.

Agra, the 28th February, 1853.

To all Officers in charge of Revenue Treasuries in the North Western Provinces, and in the Punjab and Trans-Indus Territory.

I HAVE the honor to forward herewith, for adoption in your office, new forms for Military Officers' and Sepoys' Family Remittance Bills and ordinary Bills of Exchange, and to annex rules for your guidance in accepting and cancelling bills, and in issuing seconds and thirds of Exchange. These forms and rules are intended to come into operation on the 1st May next, and I have accordingly to request that you will, from and after that date, consider the instructions and forms noted in the margin* as hereby cancelled.

*Accountant's Manual, page 36, paras. 7 and 8.
Ditto ditto, page 37, paras. 1 and 2.
Ditto ditto, page 37, paras. 3 to 7.
Ditto ditto, pages 204 and 205, Appendix No. LIII.

RULES.

Issue of second and third Bills.

1st.—When a bill is stated to have been lost, and application is made for a second or duplicate, it may, without reference to the Accountant, be granted to the party who obtained the first, or to the payee, or the legal representative of either, but to no other party.

2nd.—If a lost bill has been endorsed, the endorsee must apply for a second through the payee, who endorsed to him. This is legally unavoidable, as the bill being lost, there can be no record of endorsee's claim.

3rd.—In the event of both the first and second being lost, a third may be issued on the same terms as a first.

4th.—No second or duplicate should be issued without the production by the applicant of a certificate of non-payment of the first from the drawee. In the case of a third or triplicate, the certificate should indicate the non-payment of the first and second; but it should be borne in mind that the issue of the certificate does not bar acceptance and payment of a lost bill, if found and presented before the second or third is accepted.

5th.—In cases where seconds or thirds are issued, the word "second" or "third," (as the case may be,) should be written conspicuously on the upper part of the bill in addition to the specification of the fact in the body of the bill.

6th.—The "second" and "third" should invariably bear the same date, the same number, the name of the same payee, and the same amount. No alteration or correction in these respects at the request of the remitter, or on any other account, should ever be permitted.

7th.—On the presentation of "seconds" or "thirds," the accounts should be strictly examined as to the previous payment of the original.

Acceptance of Bills.

8th.—Under no circumstances should more than one bill of a set be accepted.

9th.—If a bill which has been accepted is lost, and a second or third is issued, payment when made on the second or third should be made without that second or third being accepted, and not on, but *after* the date on which payment of the accepted bill becomes due.

10th.—When payment is thus made on a second or third bill in consequence of the loss of the accepted bill, a guarantee, as per accompanying form, should be taken by the drawee, from the party obtaining payment.

11th.—If in consequence of the first having been lost, a second is issued and accepted, and after the acceptance, but before payment of the second, the first is found and presented, it must be refused, because the acceptor is bound by the acceptance of the second, and payment therefore should be made on the accepted bill only. But if a second, though issued, has not been accepted prior to the presentation of the first, the first may be accepted and paid in the usual course, and the second must then be refused.

12th.—The following note should be made on the face of refused bills.

"Refused, first (or second or third) of the same tenor and date having been accepted (or paid) on the ————."

13th.—The fact and date of acceptance of a bill should invariably be noted in the column of remarks in the Check Register of Bills Payable, *vide* Appendix XXIII. of the Accountant's Manual.

Cancellation of Bills.

14th.—If a bill is presented to the drawer for cancellation, it may be cancelled and the amount paid to the applicant without the Accountant's sanction being first obtained, provided no second or third of the set has been issued, and the applicant is the payee or endorsee or his legal representative, and the endorsements are regular, and the bill is duly delivered up on payment. But if cancellation is requested by the remitter, and he is not also the payee of the bill, he should be required to have the bill duly endorsed to him. In the event of there being any difficulty in having

it so endorsed, then the bill, with a statement of the particulars of the case, showing why cancellation is required, should be forwarded for the orders of the Accountant.

15th.—An accepted bill should not be cancelled unless for any special reasons the acceptance has been duly cancelled by the acceptor, but in that case the bill should, prior to refund, be referred to the Accountant for sanction.

16th.—If an application is made to the drawer for the refund of a bill stated to have been lost, it should be refused, refund being allowable only on a bill which is produced and delivered up. In such cases, a second should be issued on the terms of Rule I., and the party obtaining it be compelled to take payment at the Treasury drawn on, either in cash or by a transfer bill, if he is entitled to the latter under existing rules.

17th.—Instances of cancellation rendered necessary by the return of bills with a certificate from the drawee of their not having been honored from want of assets or other causes should be immediately reported to the Accountant, in order that an explanation may be obtained from the officer dishonoring the bills, who should also report the circumstances of the case to the Accountant, and be careful that he does not throw discredit upon the negotiations of a public Treasury on insufficient grounds.

18th.—Second and third bills of Exchange should never be cancelled, since a refund by the drawer on a second or third would not bar claim on the first against the drawee, in the event of its being found in the hands of a *bonâ fide* holder. For the same reason, a first should not be cancelled if a second has been issued.

19th.—Whenever the amount of a bill is refunded by the drawer, immediate notice of the fact should be given by him to the drawee, who should also be careful to note the fact of cancellation for future reference in the column of remarks opposite the number corresponding with that of the bill in the Check Register of Bills payable, *vide* Appendix No. XXIII.

20th.—No second or duplicate, nor any third or triplicate, of old date should be paid without reference to the Accountant.

21st.—Whenever a bill is cancelled, an entry as per margin* should be made across the body of the bill. The bill so cancelled and duly receipted should be forwarded with the Treasury account as a voucher in support of the debit entry of refund, which must always be exhibited in the accounts, even when the issue and cancellation of a bill occur in the same month.

* Cancelled, and the amount refunded to (or a bill on the Collector of substituted in lieu thereof in favor of ,) the remitter (or payee or endorsee,) under warrant of payment No. dated and notice of cancellation forwarded under the same date to the Collector of

A. B.,
Collector.

22nd.—The particular number of a cancelled bill is not available for future bills of that year, although no higher number may intermediately have been given.

The foregoing rules are principally intended to guide you in dealing with bills in the hands of private parties, or which are likely to fall into such hands. Cases where a strict adherance to them would be productive of public inconvenience may admit of exceptions under the authority of this office, to be obtained in each instance.

It may also be occasionally necessary for you to relax the rules in the case of Sepoys' Family Remittances, when you are satisfied as to the equitable right of a party, claiming a refund, or a "second" or a "third" bill, although the claim may not, strictly speaking, be tenable under the rules.

The present instructions have been issued under the sanction of Government Orders, dated 16th ultimo, and in communication with the Accountant to the Government of Bengal, and you will be careful to put them into operation on the 1st

May next, that date having been fixed to enable Treasury Officers to work off a large portion of the Forms now in use, and of which a considerable quantity is understood to be in store. For the new Forms you will be pleased to forward an immediate indent to the Secretary to the Sudder Board of Revenue, North Western Provinces, Secretary to the Chief Commissioner at Lahore, who has been requested to direct their preparation in supersession of those now used, and to supply you with them in future.

(FIRST.)

No. of 185 5 . Co.'s Rs.

To the

SIR,

sight and per advice of this my first of Exchange (the second and third of the same tenor and date being unpaid,) you will be pleased to pay to
or order the sum of Co.'s Rs.

for value received into this Treasury from
under the orders of

I have the honor to be,
Sir,
Your most Obedient Servant,

The *Treasury,* 185 .

Examined and Registered. *Collector.*

(SECOND.)

No. of 185 5 . Co.'s Rs.

To the

SIR,

sight and per advice of this my second of Exchange (the first and third of the same tenor and date being unpaid,) you will be pleased to pay to [and so on, as in first.]

(THIRD.)

No. of 185 5 . Co.'s Rs.

To the

SIR,

sight and per advice of this my third of Exchange (the first and second of the same tenor and date being unpaid,) you will be pleased to pay to [and so on, the same as first.]

SEPOYS' FAMILY REMITTANCE BILL.

(First.)

No. of 185 5 . Co.'s Rs.

To the

SIR,

At sight and per advice of this my first of Exchange (the second and third of the same tenor and date being unpaid,) pay to
the sum of Co.'s Rs.
received from
agreeably to G. O. V. P. 10th April 1810.

I have the honor to be,
Sir,
Your most obedient Servant,

The *Treasury,* 185 .

Collector.

N. B.—By G. O. G. G., 3rd April 1819, Family Remittance Drafts, on account of Sepoys, are only claimable on their behalf by Commanding Officers of Companies or others acting for them, who are directed immediately, on such Drafts being granted, to transmit to the drawee a Descriptive Roll of the Pay agreeably to the following Form, to enable the former satisfactorily to identify the person of the latter Descriptive Roll of the payee of draft No. dated drawn by on the of for Co.'s Rs.

Name of Payee.	Rank or Vocation.	Inhabitant of what Place, Pergunnah or District.	Color and Tribe.	*Supposed Age.*		*Supposed Height.*		Particular Marks.	REMARKS.
				Years.	Months.	Feet.	Inches.		

SEPOYS' FAMILY REMITTANCE BILL.

(Second.)

No. of 185 5 . Co.'s Rs.

To the

SIR,

At sight and per advice of this my second of Exchange (the first and third of the same tenor and date being unpaid,) pay to [and so on, the same as first.]

SEPOYS' FAMILY REMITTANCE BILL.

(Third.)

No. of 185 5 . Co'.s Rs.

To the

SIR,

At sight and per advice of this my third of Exchange (the first and second of the same tenor and date being unpaid,) pay to [and so on, the same as first.]

MILITARY OFFICERS' REMITTANCE.

(First.)

No. of 185 5 . Co.'s Rs.

To the

SIR,

Ten days after sight, and as per advice of this my first of Exchange (the second and third of the same tenor and date being unpaid) please to pay to
or order the sum of Co.'s Rs. received from
into this Treasury with reference to the orders of Government, dated 29th December 1815, and 8th September 1841.

I have the honor to be,
Sir,
Your most obedient Servant,

The *Treasury,* 185 .

Collector.

N. B.—This bill is claimable only from the unless he certify that assets are wanting, in which case it must be sent for payment to the next Collectorship where money is procurable.

MILITARY OFFICERS' REMITTANCE.

(Second.)

No. of 185 5 . Co.'s Rs.

To the

SIR,

Ten days after sight, and as per advice of this my second of Exchange (the first and third of the same tenor and date being unpaid,) please to pay to [and so on, the same as first.]

MILITARY OFFICERS' REMITTANCE.

(Third.)

No. of 185 5 . Co.'s Rs.

To the

SIR,

Ten days after sight, and as per advice of this my third of Exchange (the first and second of the same tenor and date being unpaid,) please to pay to [and so on, the same as first.]

FORM OF GUARANTEE.

In the event of my receiving Co.'s Rs. being the

* [Second or third]. amount of a bill* of Exchange No.
dated
drawn on
by
† [First, second or third]. the of† the same tenor and date

having been lost after acceptance, I hereby engage to hold the Government harmless, and to refund the said amount, viz., Co.'s Rs.
into the Public Treasury, should a double payment be made by Government, or should any claim be hereafter established on the said accepted bill.

Witnesses.

No. 285.

Agra, the 5th March, 1853.

To all Officers in charge of Treasuries in the North Western Provinces, and in the Cis and Trans-Sutlej States, and in the Punjab and Trans-Indus Territory.

A QUESTION having been raised as to whether Bills of Exchange should bear the attestation of the Treasurer and the Seeah Nuvees, I have the honor to request under the orders of Government, and with the view of establishing a uniform practice, that you will require your Treasurer and Seeah Nuvees to attest all Bills which may be issued from your Treasury, previously to their being submitted for your official signature. The object of the rule is to identify those officers with the transaction, and thus obviate the risk which might otherwise be incurred of Bills being fraudulently issued through a collusion in the English Department of your Office.

No. 286.

Agra, the 6th April, 1853.

To all Officers in charge of Treasuries in the North Western Provinces, and in the Cis and Trans-Sutlej States, and the Punjab and Trans-Indus Territory.

WITH reference to a Circular dated 19th ultimo issued by the Assistant Accountant to the Government of Bengal, I have the honor to inform you that, under the orders of the Government of India in the Military Department, the power of issuing Drafts for Commissariat expenditure has been vested from 1st May next in the Commissary General alone.

2nd.—You will be good enough therefore, from the above date, to honor that Officer's Drafts only, instead of Drafts drawn by the Deputy and Joint Deputy Commissary General as heretofore. Drafts, bearing date anterior to 1st May 1853 drawn by the last-named Officers, will of course continue to be honored.

No. 287.

Agra, the 10th May, 1853.

To all Officers in charge of Revenue Treasuries in the North Western Provinces, and in the Cis and Trans-Sutlej States, and Punjab and Trans-Indus Territory.

WITH reference to a communication received from the Office of the Accountant to the Government of Bengal, dated 26th January last, I have the honor to inform you that the Deputy Commissioners recently appointed at Martaban, Rangoon, Bassein, Prome, and Sarawah respectively have been authorized to draw, under the rules in force, Bills on your Treasury.

2nd.—You will accordingly be pleased to honor such Bills as may be drawn upon and presented for payment at your Treasury, and debit their amounts under a new head, to be styled "Bills payable of the Pegue and Martaban Provinces."

3rd.—Until further orders, you will be good enough not to issue Bills on the Deputy Commissioners above indicated.

No. 288.

Agra, the 12th May, 1853.

To all Officers in charge of Revenue Treasuries in the North Western Provinces, and in the Cis and Trans-Sutlej States, and Punjab and Trans-Indus Territory.

I BEG to state that, under the sanction of the Government of Bengal, the districts of Aeng and Ramree have been united and placed under one Principal Assistant to the Commissioner of Arracan, and the district thus formed is to be designated Ramree.

2nd.—You will accordingly be good enough to note the change in the Copy of the Accountant's Manual furnished to you, and discontinue drawing bills in future on the Principal Assistant Commissioner of Aeng.

No. 289.

Agra, the 14th May, 1853.

To all Officers in charge of Treasuries in the North Western Provinces, in the Cis and Trans-Sutlej States, and Punjab and Trans-Indus Territory.

I HAVE the honor to request that early intimation may, in future, be given to this Office, of any reliefs about to take place of your Treasury guard (if from another Station) or of any other opportunity, which may be embraced to remit money either from or to your Treasury without calling for a special escort.

2nd.—It will be desirable to make such report whether you have funds or not to remit, as the *return* escort may sometimes be advantageously employed, either in guarding remittances of current coin to some intermediate Treasury, or affording protection to remittances of uncurrent Coin or Copper Pyce either from or to your own Treasury.

No. 290.

Agra, the 19th June, 1853.

To all Judges and Magistrates in the North Western Provinces, and the Deputy Commissioners in the Punjab and Trans-Indus Territory, and the Cis and Trans-Sutlej States.

IN lieu of the Monthly Statement of Stamps filed in Judicial proceedings, as prescribed in the Accountant's Manual, page 22, paragraph 121, I have the honor to request that you will in future transmit an annual Statement in the accompanying form.

2nd.—You are requested to forward, by the end of this month, a Statement in the new form for the Official year 1852-53.

FORM FOR MAGISTRATES.

Statement shewing the aggregate value of Stamps filed in Criminal Proceedings in the district of during the Official year

COURTS.	Aggregate amount of Stamps filed.
Magistrate's Court, -- -- -- -- -- -- -- -- -- -- --	0 0
Subordinate Courts,-- -- -- -- -- -- -- -- -- -- --	0 0
Total, -- --	0 0

FORM FOR JUDGES.

Statement shewing the aggregate value of Stamps filed in Civil Proceedings of the district of during the Official year

Courts.	Aggregate amount of Stamps filed.	Amount ordered to be refunded.	Net Total.
Judge's Court, -- -- -- -- -- --	0 0	0 0	0 0
Subordinate Courts, -- -- -- -- --	0 0	0 0	0 0
Total, -- -- --	0 0	0 0	0 0

No. 291.

Agra, the 5th July, 1853.

To all Officers in charge of Revenue Treasuries in the North Western Provinces, and the Cis and Trans-Sutlej States, and the Punjab and Trans-Indus Territory.

Under instructions from the Hon'ble the Lieutenant-Governor of the North Western Provinces, conveyed in a letter from the Financial Department, No. 1545, of the 18th ultimo, and with reference to the orders of the Most Noble the Governor General in Council, an extract of which is given in the margin*, I have the honor to request that, in every instance of an account being overdue, you will forward to this office intimation of the cause of delay in its transmission, and the probable date on which you expect to be able to despatch it.

2nd.—The date prescribed in the Accountant's Manual for the despatch of the monthly Treasury Accounts having been fixed with reference to the ascertained capabilities of the largest disbursing Treasuries of these Provinces, I have been instructed by Government to divide the Treasuries into three classes, and modify the dates of transmission of their Treasury accounts accordingly. It is therefore expected, that the returns of the Treasuries, a list of which is hereto appended, will in future be despatched to this office on the dates affixed to each classification respectively; and in no instance can they be allowed to exceed the prescribed limit, without being considered amenable to the rule laid down in the previous paragraph.

* Extract paragraph 3rd of letter No. 1175 of the Financial Secretary to the Government of India, to the Secretary to the Government of the North Western Provinces, dated May 1853.

"I am desired to suggest that the Accountant may be instructed to submit to the Hon'ble the Lieutenant-Governor a monthly Report drawn up in the accompanying form of Accounts due to his office in arrear, to enable His Honor to take early and effectual measures for expediting the preparation of such of them as may retard the completion of the general returns of the North Western Provinces."

3rd.—It is to be understood that a Treasury account reaching this office without all the vouchers, deposit registers and other appendages, or otherwise in an incorrect state, cannot be made use of, and will therefore be considered as still due, and entered accordingly in the Report to be made to Government, as indicated in the above extract.

4th.—The dates for transmission of the monthly Cash Balance Reports, estimates of probable Income and Expenditure, and other returns, remain as heretofore, and must be punctually observed as specified in the Accountant's Manual.

1st Class Treasuries; the Cash Accounts of which, together with Vouchers, deposit Registers, and all other requisite appendages, to be despatched on the 20th of the month following that for which they are rendered.				*2nd Class Treasuries; the accounts of which to be despatched on the 30th of each month.*		*3rd Class Treasuries; the accounts of which to be despatched on the 5th of the succeeding month.*	
1	Azimgurh.	23	Rohtuc.	1	Dehra Dhoon.	1	Agra.
2	Bijnour.	24	Saugor.	2	Barcilly.	2	Cawnpoor.
3	Bhuttee.	25	Hoshyarpoor.	3	Futtehpoor.	3	Dehlie.
4	Budaon.	26	Kangra.	4	Ghazeepoor.	4	Allahabad.
5	Boolundshuhur.	27	Thanesur.	5	Loodiana.	5	Benares.
6	Dooab Canal.	28	Amritsur.	6	Allygurh.	6	Meerut.
7	Etawah.	29	Goordaspoor.	7	Ajmere.	7	Furruckabad.
8	Goorgaon.	30	Deyra Ishmael Khan.	8	Banda.	8	Amballa,
9	Hissar.			9	Goruckpoor.	9	Soobathoo.
10	Humeerpoor.	31	Deyra Ghazee Khan.	10	Mynpoory.	10	Lahore.
11	Hoshungabad.			11	Seharunpoor.		
12	Jounpoor.	32	Goojrat.	12	Shahjehanpoor,		
13	Jubbulpoor.	33	Hazara.	13	Ferozepoor.		
14	Jaloun.	34	Jhung.	14	Jullundur.		
15	Kumaon.	35	Jheelum.	15	Peshawur.		
16	Mooradabad.	36	Khangurh.	16	Sealkote.		
17	Mirzapoor.	37	Leia.				
18	Muttra.	38	Mooltan.				
19	Mozuffurnugur.	39	Googaira.				
20	Nimar.	40	Rawulpindee.				
21	Nursingpoor.	41	Shahpoor.				
22	Panceput.	42	Goojranwalla.				
		43	Kohat.				

No. 292.

Agra, 26th August, 1853.

To all Judges and Magistrates of the North Western Provinces, and Officers in Civil and Criminal charge of the districts in the Cis and Trans-Sutlej States and Punjab and Trans-Indus Territory.

The present form of Account particulars of the Balance of Deposits in use in Judicial Courts, under the above jurisdictions, being of too abstract a nature to admit

of the supervision I am required to exercise over the outstanding Balances, I have to request that you will substitute the Form herewith transmitted in the place of the former, and bring it into operation at the close of the *past official* year.

2nd.—With reference to the annexed Extract of a letter No. 2068, of the 2nd of July 1853, from the Secretary to the Government of the North Western Provinces; the column of remarks should invariably indicate, whether the Officer in Civil or Criminal charge of the district, has given his personal attention to the preparation of the Statement, and the steps that have been taken to bring the respective balances under adjustment, either by re-payments or otherwise, and the causes which, in his opinion, warrant the continuance of those Balances for a further period.

EXTRACT.

1st.—You are requested in future to furnish Annual Reports on the state of the Deposits, shewing how they stand comparatively at the end of each year. The Statements should, in some degree, correspond with that given above, and others should be added for the Judicial, Civil and Criminal Deposit Accounts.

2nd.—His Honor observes that if you will separately mention those districts, where the unadjusted Deposits are the largest, and where attention seems to be least paid to the subject, means will be used to expedite the process of adjustment, and to ensure a proper degree of care in this respect.

Account particulars of the balance of Deposits due on the 30th April 18 .

Date of Deposits.	Number of Deposit.	Nature of Deposits.	Amount Company's Rupees.			Explanatory Remarks.

No. 293.

Agra, the 3rd September, 1853.

To all Officers in charge of Revenue Treasuries in the North Western Provinces, Punjab and Cis and Trans-Sutlej.

ADVERTING to paragraphs 2nd to 7th on page 43 of the Accountant's Manual, I beg to communicate for your guidance, as indicated in the margin*, an Extract from a letter addressed by the Officiating Secretary to the Government of India, in the Military Department, to the Secretary to the Government, North Western Provinces, under date 21st April 1849, and to request that you will in future

* "His Honor in Council is of opinion that should no insuperable objection exist, the original Bills and Vouchers connected with all disbursements referable to the Military Department should in every case be forwarded by Civil Authorities direct to the Military Auditor General, instead of to the Civil Auditors who now transmit to the Military Auditor General mere Extracts from the Contingent Bills, which are not susceptible of satisfactory check in his office."

be careful to exclude from your ordinary office Contingent Bills, all charges connected with the Military Department, which you may at any time have occasion to incur.

2nd.—Those connected with the purchase, rent of, or compensation for, lands taken permanently for Military purposes, must be subjected to Civil Audit, but invariably in a separate bill. But charges incurred on account of remitting Treasure to Military chests, crossing Troops, and for crops destroyed by encampments of Troops, together with such other disbursements as may be of a purely Military character, ought to be included in a Bill drawn out on half a sheet of Foolscap Paper, properly vouched and attested, and submitted direct to the Military Auditor General.

3rd.—Charges connected with public "encamping grounds" being debitable to these Provinces under the head "By Charges General of the General Department" should be included in the ordinary Contingent Bills of your office, and entered in your accounts (after audit by the Civil Auditor, North Western Provinces) as above indicated.

No. 294.

Agra, the 29th November, 1853.

To all Officers in charge of Revenue Treasuries in the North Western Provinces, Cis and Trans-Sutlej States and Punjab and Trans-Indus Territory.

I HAVE the honor to communicate, for your information and guidance, copy of General Orders of the Governor General in Council, dated 28th October 1853, No. 875, issued in supersession of the Government General Order, dated 12th March 1852, No. 168, copy of which was communicated with this Office Circular No. 274, dated 22nd idem.

2nd.—You will observe that from and after 1st January 1854, all Commissioned, Non-Commissioned Officers and Privates belonging to either the Presidencies of Bombay or Madras, when proceeding on leave to stations in Bengal or the North Western Provinces, and being desirous of drawing pay during the term of such leave, will be furnished, from the offices of Adjutant General of their respective Presidencies, with passports agreeably to the prescribed Form (No. 1).

3rd.—A copy of such passports will be forwarded to the several Treasury Officers named therein, and the utmost care must be observed in the payment of the amounts authorized to the proper party.

4th.—Receipts of such payments must invariably be taken in duplicate, and the amounts debited in your Treasury Accounts without audit, under the head "By Bombay Presidency," or "Madras Presidency," as the case may be, supported by the duplicate receipt of the payee.

5th.—A Monthly Statement in the Form No. 2 must be furnished by you (a separate Statement for each Presidency) of the payments made during the preceding month, accompanied by the original receipts, to the Military Accountant at Fort William for transmission to the Authorities at Fort Saint George and Bombay, respectively.

6th.—You will consider these rules as applying to all passports issued from and after the date specified above, while the rules prescribed in General Order dated 12th March 1852, will continue in force in regard to all leave certificates bearing date prior to 1st January 1854.

No. 875.

General Orders by the Most Noble the Governor General of India in Council, Fort William, the 28th October 1853.

THE Most Noble the Governor General of India in Council having had under consideration the mode of payment to be observed in regard to Native Soldiers of the Madras and Bombay Armies, who may be desirous of drawing pay while on leave at stations under this Presidency, is pleased to promulgate the following Rules, in supersession of the Government General Order No. 168, of the 12th March 1852, and of previous Regulations on the subject:—

1st.—All Commissioned, Non-Commissioned Officers and Privates, belonging to either of the Presidencies of Fort Saint George and Bombay, who may obtain leave of absence to stations in Bengal and the North Western Provinces, and who may be desirous of drawing pay during the term of such leave, will be furnished with a passport or leave certificate for this purpose, agreeably to the accompanying Form (No. 1).

2nd.—The passports are to be carefully filled up by the Regimental or other Officers entrusted with their preparation, great care and minuteness in recording the personal appearance and particular marks of each Soldier being requisite to ensure identification and to prevent fraud.

3rd.—Each Soldier must be required to indicate the Treasuries, Civil or Military, from which he may be desirous of drawing pay. A specification thereof is to be entered in the passport in the appropriate column, and it should be distinctly explained to every Native Soldier, that in the event of any deviation from his stated route, as entered in the passport, he will receive no pay, except on arrival at one of the stations therein mentioned.

4th.—The Officers in charge of the Treasuries thus indicated should be advised of the intended payments simultaneously with the issue of the passport, and be furnished with a copy of the latter document.

5th.—The advice should also contain the probable dates of arrival of the holder of the passport at each of the stations indicated, and in the event of his arriving much earlier or later than the appointed time at any station, the Collector or Pay Master of such station should notify the circumstance to the Officers at the remaining stations entered in the passport.

6th.—No duplicate passport is to be issued without a previous reference to the Officers in charge of the several Treasuries concerned, for the purpose of ascertaining the extent of the payments that may have been made upon the original passport; and advice of the issue of a duplicate passport is invariably to be furnished to the several Treasuries therein mentioned.

7th.—The several Pay Masters, Deputy Pay Masters, Collectors, and other disbursing Officers in Bengal and the North Western Provinces, are authorized to discharge, as the same shall become due, the pay of Furlough men of the Madras and Bombay Establishments, on presentation of passports or leave certificates in the form above prescribed, provided that advice thereof has been duly received, and that the identity of the applicants has been satisfactorily established. It should be the special care of all disbursing Officers or their subordinates to compare the passport presented in each case with the copy furnished with the letter of advice, and to see that the descriptive remarks entered in both, correspond with the personal appearance of the applicant.

8th.—Receipts for all payments thus made are invariably to be taken in duplicate, and the payments are to be debited in the disbursing Officer's Account Current to Madras or Bombay, as the case may be.

9th.—A note of every payment of the date on which it is made, and of the period to which it refers, is also to be carefully entered on the back of the passport.

10th.—The disbursing Officers will furnish at the beginning of each Month's Statements (a separate statement on account of each Presidency) of the payments made by them during the preceding month in the accompanying Form (No. 2) accompanied by the original receipts to the Military Accountant at Fort William for transmission to the authorities at Fort Saint George and Bombay respectively. The duplicate receipts will accompany the Account Current as vouchers in support of the relative debits.

11th.—It is to be understood that the Monthly Statements of Payments are not, as heretofore, to be submitted to the Military Auditor General for audit, but to be forwarded direct to the Military Accountant at Fort William, their respective amounts being charged off in Account Current as above directed.

12th.—Passports will, as heretofore, be issued only from the offices of the Adjutants General at Madras and Bombay respectively, on the requisition of Commanding Officers, who will render an annual account, on the 1st January, of the number received and issued, and the balance remaining in store.

13th.—The foregoing Rules are to have effect from the 1st January 1854:—

FORM No. 1.

Passport or Leave Certificate of a in the Regiment who has obtained Leave of Absence to visit the Bengal Presidency.

Description of Individual.														
Names.	Age.		Height.		Religion, Caste or Tribe.	Prominent and particular marks.	Rank or Corps.	Date of Enlistment.	Amount of Monthly Pay.		Date up to which paid with his Regiment.	Period for which leave has been granted.	Stations at which the payments on this passport are to be made.	Probable date of arrival at each station.
	Years.	Months.	Feet.	Inches.										

FORM No. 2.

Statement of Payments made from the Treasury of the Collector (or Deputy Pay Master) of . during the month of to the undermentioned Native Commissioned, Non-Commissioned Officers, Sepoys, &c., belonging to the Presidency of on Furlough, together with Abstract of the passports presented by them respectively at this office.

Description of Individual.							Rank and Corps.	Date of Enlistment.	Amount of Monthly Pay.	Date up to which paid with his Regiment.	Period for which leave has been granted.	Payments at this Presidency.		Remarks.
Names.	Age.		Height.		Religion, Caste or Tribe.	Prominent and particular marks.						Amount.	For what period.	
	Years.	Months.	Feet.	Inches.										

Certified that the above is a true and correct Abstract of the Passports or Leave Certificates of the men therein described, and that the payments were made in my presence after due enquiry as to the identity of the parties.

ACTS AND ORDERS

ISSUED IN THE

NORTH WESTERN PROVINCES,

DURING THE YEAR 1854.

Re-published from the Agra Government Gazette,

BY ORDER OF

THE HON'BLE THE LIEUTENANT-GOVERNOR, NORTH WESTERN PROVINCES.

AGRA:

PRINTED AT THE SECUNDRA ORPHAN PRESS.

1855.

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OF THE

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SESSIONS STATEMENTS, Nos. 6 AND 8—Court communicate instructions as to how the remarks should be written in the -- -- -- -- -- --	15th July 1854.	149

NOTIFICATION

OF THE

SUDDER DEWANNY ADAWLUT,

NORTH WESTERN PROVINCES.

Subject.	*Date.*	*Page.*
EXAMINATION—Court notify that the Examination of Candidates for the offices of Moonsiff and Pleader in the Sudder, Zillah, and Principal Sudder Ameens' Courts, and of Pleader in the Sudder Ameens' and Moonsiffs' Courts, should be co-incident in point of time with the Examination of Covenanted Assistants, and be conducted either immediately before, or after, the latter; the yearly Examination of Candidates for Diplomas will, consequently, take place on the 9th, and following dates of April 1855, until completed,	15th September 1854.	150

NOTIFICATION

OF THE

NIZAMUT ADAWLUT,

NORTH WESTERN PROVINCES.

Subject.	*Date.*	*Page.*
JAIL DELIVERY—Court notify plan for the holding of two—Monthly, or Quarterly, Sessions of Jail Delivery at out-Stations, by the Sessions Judges of those Districts to which out-Stations are attached, suitable accommodation being provided; involving, also, the future execution of capital sentences in the district where the crime may have occurred, -- --	2nd August 1854.	150

CIRCULAR ORDERS

OF THE

SUDDER BOARD OF REVENUE,

NORTH WESTERN PROVINCES.

Subject.	*Date.*	*Page.*
BUTWARRAH—Board prescribe form according to which Collectors are required to report divisions of estates to Commissioners for confirmation, -- -- -- --	17th January 1854.	153
COLLECTOR'S INTERFERENCE WITH SUMMARY SUIT DECISIONS PASSED BY SUBORDINATES—The Board, in modification of former orders, fix one month as the period, within which the Collector can interfere with the decisions of his subordinates vested with the power to dispose of summary suits, -- -- -- -- -- -- --	20th January 1854.	156
REGISTER OF SUITS IN WHICH GOVERNMENT IS A PARTY—Board prescribe a form of Register of suits other than pauper suits, in which Government is a party, to be kept up in the Commissioner's office for the purpose of facilitating both the collection of sums due to Government, and adjustment of irrecoverable items in the accounts, -- -- -- -- -- -- -- --	10th February 1854.	157
RULES FOR PROPRIETARY MUTATIONS—Board prescribe rules for the guidance of the Revenue Authorities, and especially of Tehseeldars, Canoongoes and Putwarees, in cases of Lumberdaree and other proprietary mutations, -- -- -- -- -- -- -- -- --	21st February 1854.	159
CANCELLATION OF CIRCULAR No. 17, DATED 30TH JULY 1847—Regarding the exemption of certain estates from all coercive processes, other than sale, notified, -- --	14th March 1854.	*ib.*
DISPOSAL OF APPEALS—Board, with the sanction of Government, publish Rules for the disposal of appeals preferred to them, -- -- -- -- -- -- -- --	30th June 1854.	160
COMPULSORY ARBITRATION UNDER REGULATION IX. 1833—The Board direct attention to the Sudder Court's construction regarding -- -- -- -- -- --	4th July 1854.	161
CONTROL OF CANALS AND STREAMS—The Board circulate extracts from the orders of Government, and other Correspondence, placing all rivers and streams in tracts intersected or watered by Canals, under the control of the Canal Officers, -- -- -- -- --	18th July 1854.	162
SUITS IN WHICH GOVERNMENT IS A PARTY—The Board, in supercession of former orders, including Circulars F., dated 12th September 1848, No. 6, dated 5th July 1850, and No. 5, dated 3rd June 1851, issue instructions for the conduct of civil suits in which Government is a party, -- -- -- -- -- -- -- --	28th July 1854.	164

Subject.	*Date.*	*Page.*
WUQF AND NUZZOOL FUNDS—Board direct attention to the distinction to be observed between Wuqf and Nuzzool funds by local Agency Committees, -- -- --	1st August 1854.	166
COURT OF WARDS—Board, with approval of Government, call for Annual Returns of estates under the management of the Court of Wards, -- -- -- -- --	22nd August 1854.	167
PROPERTIES UNDER DIRECT MANAGEMENT—Board call for the juma-wasil-bakee of properties under direct management, and urge its punctual transmission from all districts, -- -- -- -- -- -- -- -- --	29th August 1854.	168
STATEMENT OF WORK PERFORMED BY DEPUTY COLLECTORS—Board, with reference to the printed Circular No. III., paragraph 78, and Circular Order No. 2, dated 6th January 1852, direct the discontinuance of the Half-yearly Return, -- -- -- -- -- -- -- --	5th September 1854	*ib.*
ACCOUNT SALES AND SALE REGISTERS—Board, in continuation of their Circular No. 2, dated 4th February 1842, enjoin punctuality in the submission of account-sale statements, and annual sale registers, and prescribe new forms for proposed sale and account-sale statements of rights and interests, -- -- -- --	8th September 1854.	169
RAIN-GAUGES—Board cancel their Circulars No. 2, dated 30th March, and No. 27, dated 3rd December 1847, and prescribe an annual report on the condition of the rain-gauges in each district to be submitted by Collectors, and a divisional abstract to be furnished by Commissioners, -- -- -- -- -- -- --	22nd September 1854	172
SUMMARY SUIT RETURNS—In modification of paragraphs 46 and 47 of the printed Circular No. 2, and Circular 13, dated 30th December 1851, Board prescribe quarterly returns of summary suits in first instance and appeal, and annual returns of summary suits in appeal, the latter to be submitted with the Revenue Administration Reports, -- -- -- -- --	29th September 1854.	174
BUTWARRAH—Board abolish quarterly return of complete divisions prescribed by their Circular No. 10, dated 31st October 1851, and call for an annual return in the form given in their Circular Order No. 1, dated 17th January 1854, -- -- -- -- -- -- --	6th October 1854.	179
IMPRISONED REVENUE DEFAULTERS—With reference to paragraph 114 of printed Circular No. II., Board call for half-yearly, instead of quarterly returns, -- --	10th October 1854.	182
ESTATES AFFECTED BY FLUVIAL ACTION—With reference to paragraphs 8 and 9 of Circular Order No. 16, dated 19th September 1848, and paragraph 10, Circular Order S., dated 2nd September 1853, Board lay down rules for the submission of annual reports on the inspection of estates affected by fluvial action,	13th October 1854.	183

Subject.	*Date.*	*Page.*
TREASURE TUMBRILS—Board discontinue the half-yearly return of Treasure Tumbrils, (Circular Order "B." dated 2nd February 1849,) -- -- -- --	24th October 1854.	184
RAILWAY APPROPRIATIONS—Board publish rules with the sanction of Government for the adjustment of claims to compensation for lands taken for railway purposes,	24th October 1854.	*ib.*
ISSUE OF CIRCULAR ORDERS REGULATED—Board issue rules, sanctioned by Government, regarding Circular Orders prescribing rules of practice and forms for permanent adoption, -- -- -- --	31st October 1854.	191
LAPSED MAFEE TENURES—The Board intimate that their Circular Order No. 3, dated 7th April 1846, calling for half-yearly returns of lapsed mafee tenures and alluvial increments, is cancelled, -- -- --	3rd November 1854.	192
SALE AMEEN'S FEES—Board issue rules for the award of fees to Sale Ameens, under Act I. 1839, in cases in which sale of distrained property may not take place,	1st December 1854.	*ib.*
SCHOOL CESS.—Board issue rules for the levy of a School cess of one per Cent. in all new or revised settlements,	5th December 1854.	193
AGRA GOVERNMENT GAZETTE—With reference to Circular T., dated 9th May 1854, Board intimate how the *Agra Government Gazette* will, for the future, be circulated, -- -- -- -- -- --	8th December 1854.	194
EDUCATION OF MALE MINORS UNDER COURT OF WARDS—Board call for a report of cases to which Act XXVI. of 1854 may be applicable, -- -- -- --	15th December 1854.	*ib.*
COMMUTATION OF PENSIONS—Board, in modification of their Circulars Nos. 10 and 13 of 1845, dated 2nd September and 3rd October, and C. and E. of 1853, dated 15th February and 15th April, publish rules sanctioned by Government for the commutation of pensions granted in perpetuity for life, -- --	15th December 1854.	195
CUSTOMS' CIRCULARS.		
PUNCHING OF FILED STAMPS—Board prescribe rules which have been adapted with slight modifications from the Nizamut Adawlut's Circular No. 1121, dated the 11th October 1852, regarding the punching of filed stamps. -- -- -- -- -- --	31st January 1854.	196
MISCELLANEOUS SAYER.—Board, in continuation of their Circular C., dated 19th August 1853, prescribe returns of miscellaneous sayer revenue to be furnished quarterly to Commissioners of Divisions, and annually to the Board, -- -- -- -- -- --	23rd June 1854.	197

CIRCULAR ORDERS

OF THE

ACCOUNTANT'S OFFICE,

NORTH WESTERN PROVINCES.

Subject.	*Date.*	*Page.*
Special explanations required to be furnished when returns are due above fifteen days. Circular No. 291, of 5th July last, continued, and the explanations prescribed by Government Orders dated 4th February 1854, -- -- -- -- -- -- --	10th March 1854.	201
Public Service Drafts to Deputy Superintendents of the Electric Telegraph Department authorized to be issued in their favor, and to contain a specification of purpose for which required. This letter to be quoted in the body of each Draft as authority for its issue, --	31st March 1854.	*ib.*
Contingent and Extraordinary Expenditure of Post Masters, on account of the Electric Telegraph Department, directed to be debited to the head "By Bengal Presidency" under Bills audited by the Superintendent of that Department. The same head also to be so credited with recoveries on account of the above debits as to be identifiable in each case, -- -- --	17th April 1854.	202
Rules laid down to Collectors for observance in transacting business with the Government Curator of Educational Books, the Visitor General of Vernacular Schools, and Principals of Government Colleges and Schools, who are required to render accounts periodically, with reference to the revised system of adjusting the accounts of the above department by Government Orders dated 21st ultimo, -- -- --	11th May 1854.	*ib.*
Mode of exhibiting Sheriff's Fees in the Treasury accounts altered from "Revenue Deposits" to "Sheriff's Fees, under Act VIII. of 1852," and Circular of 27th July last cancelled. The fees are not to be remitted to the Sheriff, which will be done solely through the Collector of Agra. Existing credits under Revenue Deposits to be transferred to the new head, --	13th May 1854.	203

Subject.	*Date.*	*Page.*
Advances for Salary, Pay of Establishments, Contingencies and Ordinary repairs, to Canal Officers authorized to be made upon the Receipts of those Officers duly counter-signed by Superintendent of Canals, and to be debited to the head "By Remittances of the Department of Public Works," under the Orders of Government dated 2nd ultimo, by which advances to Officers of the Canal Department are made from public Treasuries upon attested copies of the endorsements on sanctioned estimates to be communicated by the Superintendent of Canals of the North Western Provinces,—mode of accounting for the advances in the Treasury accounts explained, -- -- --	30th May 1854.	203
Advances of Cash for the *bonâ fide* purposes of the Electric Telegraph Department to Assistant Superintendents and Deputy Superintendents authorized to be made under Orders of Government dated 28th ultimo. The applications for advances to be supported in all practicable cases by the sanction of the Superintendent. When such sanction cannot possibly be obtained, the simple receipts of the first-mentioned Officers will suffice to charge the amount in the Treasury account. Receipts enjoined to be taken in triplicate,	14th July 1854.	204
Transmission to Drawees of Weekly Advice of Bills drawn, referred to in paragraph 4, page 28, of Accountant's Manual, discontinued. Daily advices to be punctually dispatched on occasions of Bills being drawn. Note to be recorded on the face of each letter of advice to shew the date on which the last letter of advice was forwarded, -- -- -- -- -- --	14th August 1854.	*ib.*
Rules laid down for observance of Treasury Officers in regulating the issue of exchange drafts in lieu of Family Remittance Bills held by Military Commissioned and Non-Commissioned Officers and men founded upon a Resolution of the Governor General, dated 24th June last,-- -- -- -- -- --	21st August 1854.	205
Instructions issued as to the mode of accounting for Postage Stamps, with reference to the Rules laid down by the Sudder Board of Revenue, North Western Provinces, and published in the *Agra Government Gazette* of the 1st instant, -- -- -- -- --	24th August 1854.	206
Communicates establishment of a separate Treasury at Tharawaddy in the Province of Pegu, in charge of an Assistant Commissioner authorized to draw Bills under existing rules upon other Treasuries, directs that such Bills be honored, but prohibits until further orders, the issue of Bills upon that Treasury. Intimates also the change in the designation of the Sarawah district to Henzada, -- -- --	28th August 1854.	207

Subject.	*Date.*	*Page.*
Instructions given as to the mode of representing Bill transactions, both drawn and discharged in Treasury accounts, which should be indicated in aggregate in lieu of being shewn *in extenso*, according to the number of Bills drawn, in order to assimilate the practice of these Provinces to that of the Bengal Presidency, and to facilitate work sanctioned by Government Orders dated 28th ultimo, -- -- --	11th September 1854.	208
Substitution of a paragraph in lieu of paragraph 8, page 32 of the Accountant's Manual, directed under Orders of Government dated 28th ultimo, in reference to granting bills to Civil Officers, Covenanted or Uncovenanted, when permanently transferred to another district, or on deputation on service, or absent on sick certificate, -- -- -- -- -- --	26th September 1854.	*ib.*
Family Remittance Drafts authorized by the Governor General on the 14th July last, to be granted to Military Officers in Civil employ, to the extent of Military pay and allowances, as when attached to their Regiments, agreeably to a memorandum specified, -- -- -- -- -- -- --	27th September 1854.	209
Pensions of the Lahore Durbar Soldiers subsequently enlisted in the Punjab Irregular Force and Punjab Police Battalions, which have been investigated in the Military Department and settled by Government, authorized to be paid whenever the parties present themselves with regular and correct descriptive rolls signed by their Commanding Officers and countersigned by the Military Secretary to the Chief Commissioner, accompanied by the usual last pay certificate, in reference to which no communications will be made from superior authority. Intimations of transfers of such pensions from one Treasury to another will be made by the Commissioner of the Division. In all cases of first payment, it is necessary to be seen that the descriptive roll indicates the Treasury at which payment is desired, -- -- --	22nd October 1854.	*ib.*
Form of entry of credits, on account Local Agency Fund, prescribed for observance with reference to the distinction to be maintained between the Wuqf and Nuzzool Fund, suggested by the Circular of the Sudder Board of Revenue, North Western Provinces, to Commissioner, dated 1st August last, -- -- --	23rd October 1854.	210

Subject.	*Date.*	*Page.*
Attention drawn to Rules connected with Government Promissory Notes when presented for payment of Interest, with reference to copy of a Circular dated 24th July last, from the Loan Office of the Accountant General, to the Government of India, which include registration of transfer, examination of endorsements, course to be adopted when a sale is sought to be effected, or interest to be drawn on a Promissory Note on account of a deceased Proprietor; cases of Joint Proprietors; of European females unmarried; of Powers of Attorney, erasures of endorsements, first payment of interest on renewed Promissory Notes, rates of Batta on Sicca Rupees, Interest Registers, Fee on renewal of Promissory Notes, consolidation and sub-division of Promissory Notes, &c., -- -- -- -- -- --	17th October 1854.	210
Future transmission of original Registers of Certificates covering remittances on account of men of the Bombay Army, to the Provinces suggested to be made direct to district Officers, the amount of remittances directed to be discharged without advice from this office. Reference in doubtful cases provided, when payments are to be made upon adequate security. Arrangement founded upon Bombay Military Accountant's Circular, dated 15th ultimo, -- -- --	21st October 1854.	217
Mode pointed out of crediting in Post Master's cash accounts postages that may be realized on unpaid letters received in London from Ports beyond Sea addressed to India, and of opening the memorandum prescribed. Founded upon Circular of the Officiating Accountant to the Government of Bengal, to Post Masters, Lower Provinces, dated 6th May last, --	19th October 1854.	218
Rules transmitted for guidance on the subject of Bills of Exchange issued or discharged, authorized by the orders of the Government of India dated 24th April 1854, and modified by orders dated 24th June following, and directions given as to supplies of forms of Bills. The new forms not intended to supersede those prescribed for Military Officers, and Sepoys Family Remittances by Circular dated 28th February 1853. Intimates that Pay Masters of Her Majesty's Regiments, in common with all other Military Officers, are subject to the General Rule, restricting the grant of Drafts from public Treasuries to the period of issue of pay, -- -- -- -- --	20th October 1854.	*ib.*

Subject.	*Date.*	*Page.*
Instructions forwarded, in continuation of paragraph 5 of Circular dated 24th August last, to submit separate bills for incidental charges on account of the receipt sale, or custody of postage labels, to the Post Master General, North Western Provinces, for his counter-signature previously to including their amounts in the Revenue Contingent Bills for audit, -- --	23rd December 1854.	220
Form of Register of Interest, prescribed in Appendix No. XI. of Accountant's Manual, cancelled with reference to Circular dated 10th October last, issued direct from the Loan Office of the Accountant General at Fort William. Future supplies of Forms of Register, noticed in that Circular, to be obtained from the Superintendent of the Government Lithographic Press at Calcutta, Blank Registers to be continued to be transmitted to this office when there are no subscriptions to the Loan, -- -- -- --	28th December 1854.	*ib.*

ACTS AND ORDERS

FOR THE

NORTH WESTERN PROVINCES.

ACTS.

ACT No. III. OF 1854.

An Act to amend the 38th Article of War for the Native Army.

WHEREAS it is expedient that any Native Soldier who shall make away with or pawn any medal granted to him for service in the Field or for general good behaviour, should be punished for such unsoldier-like conduct; It is enacted :

That there shall be added to the 38th Article of War for the Government of the Native Officers and Soldiers in the Military Service of the East India Company, the words following—that is to say :—" or who shall make away with or pawn any medal, " or decoration, granted to him by order of Her Majesty, or of the East India Company, " or by order of Government, for service in the Field or for general good conduct."

The 3rd February 1854.

ACT No. VII. OF 1854.

An Act for the apprehension within the Territories under the Government of the East India Company, of persons charged with the Commission of heinous offences beyond the limits of the said territories, and for delivering them up to Justice, and to provide for the execution of warrants in places out of the jurisdiction of the authorities issuing them.

WHEREAS it is expedient to provide for apprehending and delivering up to justice persons whether subjects of the British or of any Foregin Government, who shall take refuge or be found in any part of the territories under the Government of the East India Company, and shall be charged with having been guilty of heinous offences in any part of the dominions of Her Majesty, or in the territories of any Foregin Prince or State ; to facilitate the execution in any part of the territories under the Government of the East India Company of warrants issued by competent officers in any other parts thereof; and to enable the Government of any Presidency or place within such last-mentioned territories to carry out treaties entered into by or on behalf of Her Majesty, or the East India Company with any Foreign Prince or State; It is enacted as follows :—

I. If requisition be made by or by the authority of the person or persons for the time being, administering the executive Government of any part of the dominions of Her Majesty, to the Government of any part of the British territories in India to deli-

ver up to justice any person accused of having been guilty of any heinous offence in any part of Her Majesty's dominions, subject to the Government making the requisition, and who shall be, or shall be supposed to be, in any part of the British territories in India, subject to the Government to which the requisition shall be made, or if a similar requisition be made by any Foreign Prince or State, or by any duly authorized Minister or Officer thereof in respect of a person accused of having been guilty of any heinous offence in any part of the territories of such Foreign Prince or State, it shall be lawful for the Government to which the requisition shall be made if it shall see fit so to do to issue an order in writing for inquiry into the truth of the charge; and such order shall be sufficient proof of the requisition having been duly made, and a sufficient justification for all acts done in pursuance thereof.

II. The order shall be signed by one of the Secretaries to the Government; it shall be directed to all Magistrates and Justices of the Peace of the Presidency or place under the control of such Government; it shall signify that the requisition has been made, shall state the nature of the offence charged, the name or other designation, if the name be not known, of the person accused, and any other description of him that may be thought necessary, and it shall require the Magistrates and Justices to whom it shall be directed or any of them to inquire into the truth of the charge, and to proceed in pursuance of this Act.

III. Upon the production of the order to any such Magistrate or Justice of the Peace, he shall have the same powers as if the offence charged had been committed within his jurisdiction.

IV. If the evidence adduced shall in the judgment of the Magistrate or Justice of the Peace be sufficient to justify the apprehension of the person accused for the offence, the Magistrate or Justice of the Peace shall issue his warrant for the apprehension of such person. The warrant shall be issued in the same manner as a warrant for an offence committed within the jurisdiction of the Magistrate or Justice of the Peace issuing it, and shall contain a memorandum stating that the warrant is issued under this Act, and if the warrant be issued under an order of Government, shall also state the fact and specify the Government. The memorandum may be to the following effect:—

This warrant is issued under Act No. VII. of 1854, and is issued under an order of the Government of

V. The warrant of any Magistrate or Justice of the Peace having jurisdiction in any part of the territories under the Government of the East India Company for the arrest of any person charged with having committed any offence whether such warrant be issued under the provisions of this Act or not may be executed within the jurisdiction of any other Magistrate or Justice of the Peace having jurisdiction in any part of the said territories, whether in the same Presidency or not, upon having a written authority under the hand and seal of the Magistrate or Justice of the Peace, within whose jurisdiction it may be executed, previously endorsed thereon, and which endorsement may be to the following effect:—

To the Nazir [or other Officer as the case may be] of the Zillah of

" This warrant may be executed in the zillah or district of "

(describing the zillah or district of the endorsing Magistrate or Justice of the Peace) by any of the Officers to whom the same is directed or by

[describing by his name of Office the Officer, to whom a similar warrant, issued by the indorsing Magistrate or Justice of the Peace, would be directed.]

VI. The Magistrate endorsing a warrant in pursuance of the provisions of Section V. of this Act, shall not be liable to any action or other proceeding in consequence of any illegality in the issuing of the warrant; but any Magistrate illegally or

improperly issuing the same, shall be liable for an arrest in pursuance of the endorsement in the same manner and to the same extent only as if the warrant had been executed within his own jurisdiction.

VII. Upon the apprehension of the supposed offender, if the offence be alleged to have been committed in any part of the territories under the Government of the East India Company, he shall be carried before the Magistrate within whose jurisdiction the offence shall be alleged to have been committed, and shall be by him dealt with according to law, unless by the warrant the Officer be authorized to take bail or security, and such bail or security be given for the appearance of the person accused before the Magistrate or Justice of the Peace of the zillah or district in which the offence shall be alleged to have been committed. If the offence be charged to have been committed in any place not within the territories under the Government of the East India Company, the person arrested shall be forthwith carried before a Magistrate or Justice of the Peace, of the zillah or district in which he shall be arrested. The Magistrate or Justice of the Peace, before whom the supposed offender shall be carried in pursuance of the last-mentioned directions, may proceed in the same manner as in cases in which he has power to commit for trial, or to hold to bail for an offence committed within his own jurisdiction. If after making as full an enquiry into all the circumstances of the case as the evidence obtainable by the Magistrate or Justice of the Peace within the territories under the Government of the East India Company will enable him to make the evidence adduced shall be sufficient in his judgment to warrant a committal, he shall commit the accused to some place of confinement within his zillah or district, which in the judgment of the Magistrate or Justice of the Peace, shall be fit for receiving the prisoner, or if there be no such place, to the gaol of the Presidency, there to remain until he shall be delivered up or discharged by orders of Government; if after making such inquiry the circumstances shall not in the judgment of the the Magistrate or Justice of the Peace be sufficient to warrant either the committal or the holding to bail of the prisoner, he shall be discharged.

VIII. If the offence charged be one committed out of the British territories in India which, if committed within the jurisdiction of the Magistrate, would be bailable the Magistrate or Justice of the Peace may proceed accordingly and may discharge the prisoner upon his giving the necessary bail. The recognizance or bail-bond in such case shall be for the appearance of the accused before the Magistrate or Justice of the Peace for the time being of the zillah or district in which the recognizance shall be taken on a certain day to be named therein, allowing reasonable time for receiving the orders of Government, and on such subsequent days as the Magistrate or Justice of the Peace for the time being shall from time to time appoint.

IX. If any person shall in pursuance of this Act be carried before a Magistrate or Justice of the Peace other than the one who issued the warrant, or a Magistrate or Justice of the Peace for the time being of the same zillah or district, the depositions and documents upon which the warrant was issued, or copies thereof, to be certified under the hand and seal of the Magistrate or Justice of the Peace of the zillah or district in which the warrant was issued, shall, upon the requisition of the Magistrate or Justice fo the Peace before whom such person shall be carried, be forwarded to such Magistrate or Justice of the Peace; and if the warrant be issued under an order of Government, and executed in a Presidency or place not under the Government issuing the order notice of the arrest shall be forthwith communicated to such Government, who shall forward the requisition, and any documents relating thereto in their possession to the Government having jurisdiction over the place of arrest, and such last-mentioned Government shall have the same powers as the Government who made the order.

X. If the person accused of the offence mentioned in any such order of Government be proved to have been convicted and sentenced for the offence charged by a

Court of Justice in any part of Her Majesty's dominions in which the offence is alleged to have been committed, and to have escaped before such sentence was carried into execution; the Magistrate or Justice of the Peace, upon proof of such conviction and sentence, may issue a warrant for the apprehension of the person accused, and he may be arrested and committed in manner aforesaid without further proof, unless such person shall prove that the conviction or sentence has been reversed or annulled.

XI. If it appear to the Magistrate or Justice of the Peace, before whom any prisoner shall be carried under this Act for an offence alleged to have been committed in any territories not under the Government of the East India Company, that particular circumstances exist which render it advisable that the case should be investigated by the Magistrate or Justice of the Peace of a zillah or district nearer to such territories, he shall forthwith report the case and the particular circumstances to the Government, who shall either order such Magistrate or Justice of the Peace to proceed with the case himself, or to send the case to be investigated by the Magistrate or Justice of the Peace of any other district to be named by the Government. In the latter case the prisoner shall be sent, or if the offence be bailable shall give bail to appear before such last-mentioned Magistrate or Justice of the Peace, who shall have power to deal with the case as if he had issued the warrant under which the prisoner shall be arrested, and all the depositions and documents shall be forwarded to such Magistrate or Justice of the Peace. The order of Government shall be a sufficient justification for all persons acting in pursuance thereof.

XII. The Government by whom any order under Section I. of this Act shall be made, may, if they think fit so to do direct that copies of any depositions or exhibits which shall have been laid before them, and shall have been certified to their satisfaction to be true copies of depositions or exhibits made or produced before a competent judicial Officer of the territories in which the offence is alleged to have been committed, may be received in evidence of the criminality of the person accused, and such direction shall be sufficient authority for receiving the same in evidence.

XIII. The Magistrate or Justice of the Peace, after committing the accused or holding him to bail as aforesaid, for any offence committed out of the territories under the Government of the East Indian Company, shall forthwith report the result of his proceedings to the Government to which he is subordinate, together with any remarks which he may deem necessary or proper to make upon the whole case. He shall also forward with such report a copy of all depositions and documents used before him.

XIV. Upon receipt of the report, and after examining the case, the Government may, by order in writing to be signed by the Secretary to the Government, order the accused either to be discharged or to be held to bail to appear in such Court or place, and at such time or times as the Government may think fit, or to be delivered up to some person authorized by the Government or Officer making the requisition, to receive and take charge of him. In cases falling within the provisions of Act I. of 1849, Government may order the person accused to be tried under that Act.

XV. If ordered to be delivered up, the person to whom the accused shall be ordered to be delivered shall not have the custody or charge of him so long as he shall remain in any part of the territories under the Government of the East India Company, but the accused shall be conveyed in custody through such last-mentioned terrirories toward the territories in which the offence shall be alleged to have been committed, in the same manner as a prisoner sent from the station of one district to that of another, and as soon as he shall have been conveyed to the frontiers of the territories under the Government of the East India Company, he shall be delivered over to some person authorized by the Government making the requisition to receive and take charge of him. If no such person shall attend to receive the prisoner, the latter shall

be taken before the nearest Magistrate, who may order him to be discharged out of custody, and may provide him with such means of returning to the place where he was apprehended, or so near thereto as he may desire as such Magistrate may think necessary and suitable to his station in life.

XVI. Any Magistrate or Justice of the Peace acting under the provisions of this Act, shall issue all necessary warrants, orders and directions for carrying this Act, and also any order made under it by the Government, into effect, under his signature and seal, or seal of office, if he shall have a seal of office, and all Magistrates and Officers acting in pursuance of this Act, shall have and exercise the same powers as if the offence charged had been committed within the zillah or district subject to their jurisdiction, and in cases where the accused may have been held to bail, the Magistrate may order the bail-bond to be renewed in such form as may be necessary to carry any order of Government into effect, and if such bail-bond shall not be renewed accordingly, may commit to person accused to prison for such period as may be necessary to carry such order into effect.

XVII. In case any person arrested under this Act, shall escape out of custody, he may be re-taken in any part of the territories under the Government of the East India Company, in the same manner as if he had escaped from custody under process for an offence committed in that part of such territories, in which he shall be found.

XVIII. If a warrant be issued in any part of Her Majesty's dominions not under the Government of the East India Company, for the arrest of any person for any heinous offence alleged to have been committed therein, or for the arrest of any person for any heinous offence of which he may have been convicted by a Court of competent jurisdiction, in any such part of Her Majesty's dominions, any Magistrate or Justice of the Peace within the territories under the Government of the East India Company, may, upon the production of such warrant and proof of the signature of the Officer signing it, and of his authority to issue the same, and without any further proof and without any order of Government, issue his warrant for the apprehension of the person accused, and after his apprehension may proceed to commit, or hold him to bail in manner aforesaid, and to take such other proceedings as aforesaid as the case may require, but the person accused shall not be delivered over as aforesaid without an order of Government. The Government in such case shall have the same powers as if the proceedings had been taken in pursuance of an order of Government issued under this Act.

XIX. In cases in which the immediate apprehension within the British territories in India of any person accused of having committed any heinous offence mentioned in Section XXI. of this Act out of such territories shall, in the judgment of a Magistrate or Justice of the Peace having jurisdiction in any part of such territories in which the person accused shall be found, be necessary for the ends of justice, the person accused may, without an order of Government, be apprehended or proceeded against in the same manner as for an offence charged to have been committed in the place where the person accused shall be found, and after his apprehension he may be committed or held to bail in manner aforesaid, and such other proceedings as aforesaid may be taken as the case may require, but the person accused shall not be delivered up without an order of Government. The Government in such case shall have the same powers as if the proceedings had been taken in pursuance of an order of Government issued under this Act.

XX. If any person imprisoned under this Act shall not either be delivered up or discharged or brought to trial within two calendar months after his committal, it shall be lawful for the principal court of original jurisdiction in criminal cases in the district in which he shall be imprisoned, upon application by or on behalf of the prisoner, to order him to be discharged out of custody, either upon giving such bail as the Court may

order, or without bail, unless sufficient cause shall be shown to the Court why such discharge ought not to be ordered. Provided that no such order shall be made until after notice of the application or of the intention to make the same, shall have been given to Government or to the Secretary, or one of the Secretaries thereof.

XXI. The words "heinous offence" in this Act shall be deemed to include treason against Her Majesty committed in any part of Her Majesty's dominions; murder, attempting to murder, rape, great personal violence, maiming, dacoity, thuggee, robbery, burglary, knowingly receiving property obtained by dacoity, robbery or burglary, cattle-stealing, breaking and entering a dwelling-house and stealing therein, arson, setting fire to a village, house, or town, forgery or uttering forged documents, counterfeiting current coin, knowingly uttering base or counterfeit coin, perjury, subornation of perjury, embezzlement whether by public officers or other persons, and being an accessary to any of the above-mentioned offences.

XXII. The said words "heinous offence" in this Act shall also be deemed to include any offence, for which by any treaty in force between Her Majesty or the East India Company, and any Foreign Prince or State, Her Majesty or the East India Company, shall, at the time of making any requisition as aforesaid, be bound to deliver up offenders to the Foreign Prince or State making the same, and any other offence which in the judgment of the Government to whom the requisition shall be made, shall be serious or aggravated, and for which the person accused cannot be tried within the territories under the Government of the East India Company, under the provisions of Act No. I. 1849.

XXIII. If by any such treaty, Her Majesty or the East India Company shall be bound to deliver up to any Foreign Prince or State, any person liable to be proceeded against by the laws of such Foreign Prince or State, in any case not expressly provided for by this Act, or in any manner other than that provided by this Act, it shall be lawful for the Government of any part of the territories under the Government of the East India Company, in which such person may be found, upon requisition made by or on the part of such Foreign Prince or State, to adopt such proceedings for carrying such treaty into effect, and for the surrender of such person, and for making any preliminary inquiry into the charge contained in the requisition, as it shall think fit, and any such order of the Government in writing under the hand of one of the Secretaries of such Government, shall be a sufficient authority and justification for all Acts to be done in execution thereof.

XXIV. Sections V., VI. and VII., Regulation XI. of 1827, of the Bombay Code, are repealed.

XXV. Unless where a contrary intention appears from the context, the word "Government," as used in this Act, shall be deemed to mean and include the Governor General of India in Council, or the person or persons administering the executive Government in any Presidency or place within the British territories in India. The words "British territories in India" shall include any part of the territories under the Government of the East India Company. The word "Magistrate," as used in this Act, is intended to include a Joint Magistrate, or any person lawfully exercising the powers of a Magistrate, and also a Justice of the Peace. Words in the singular number are intended to include the plural, and words in the masculine gender to include the feminine.

The 17th February 1854.

ACT No. VIII. OF 1854.

An Act to explain and amend Act X. of 1851 *and Act XX. of* 1841.

WHEREAS doubts exist as to the limits within which certificates of administration to personal estates granted in pursuance of Section IV., Act X. of 1851, by the British representative accredited to a Foreign State or by the British Officer holding the highest executive authority in a district to which Act XX. of 1841 does not extend are operative, and it is expedient to remove such doubts, and also to amend the provisions of the said Acts; It is enacted as follows:—

I. Every such certificate of administration as aforesaid, which shall hereafter be granted, shall, as regards the public securities of the East India Company, give authority to the person to whom the same shall be granted throughout the territories in the possession and under the Government of the East India Company, and have the same effect throughout the said territories as a certificate granted under the provisions of Act XX. of 1841, as amended by Act X. of 1851, has within the Presidency within which the same is granted.

II. No certificate granted under the provisions of Act XX. of 1841, as amended by Act X. of 1851, or under the provisions of Act X. of 1851, shall empower the person certified to negotiate any Government note or share of a Bank or any share of such security, or to receive any interest or dividend due thereon, or any share of such interest or dividend, unless the Government note or Bank share shall be specified in such certificate.

III. Any Judge, British representative or other British Officer authorized to grant a certificate, may from time to time extend the same to any Government note or Bank share not originally specified therein, and every such extension shall have the same effect as if the Government note or Bank share to which the certificate shall be extended had been originally specified therein.

IV. Upon the extention of a certificate, security may be required in the same manner as upon the original grant of a certificate.

The 17*th February* 1854.

ACT No. IX. OF 1854.

An Act relating to Appeals in the Civil Courts of the East India Company.

WHEREAS every case in appeal ought to be determined upon the merits without regard to technical errors or defects; It is enacted as follows:—

No order or decision of any of the Civil Courts of the East India Company shall be reversed, altered or remanded on account of any error, defect or irregularity not productive of injury to either party.

The 17*th February* 1854.

ACT No. X. OF 1854.

An Act for regulating the Powers of Assistants to Magistrates and of Deputy Magistrates appointed under Act XV. of 1843.

WHEREAS Assistants to Magistrates and also Deputy Magistrates appointed under Act XV. of 1843 to exercise the powers of a Covenanted Assistant, under Regulations XIII. of 1797, IX. of 1807, or III. of 1821, are not competent to decide any cases

but such as are referred to them by the Magistrate, and whereas this restriction is attended with practical inconvenience to complainants in petty criminal cases; It is enacted as follows:—

I. It shall be competent to the local Government of each of the divisions of the Bengal Presidency, to empower Assistants to Magistrates and also Deputy Magistrates appointed as aforesaid, to receive and try, without reference by the Magistrate, all or any of such charges as they are now competent to try upon reference by the Magistrate, subject to appeal from their decisions, according to the provisions of Section II. Act XXXI. of 1841.

II. Deputy Magistrates vested with special powers shall in each of the said divisions of the Bengal Presidency have the same powers to decide cases under Act IV. of 1840, as by Act XXVII. of 1845 are vested in Assistant Magistrates with special powers.

III. Magistrates, or Joint Magistrates may at any time call from any of their Assistants, or from any Deputy Magistrate subordinate to them, any case pending before any such Assistant or any such Deputy Magistrate under the provisions of this Act, which for any reason the Magistrate, or Joint Magistrate may deem it proper to determine himself in the first instance.

The 24th February 1854.

ACT No. XI. OF 1854.

An Act to amend Act No. XXI. of 1835 *and Act No. XXII. of* 1844, *and to authorize the issue of Half Pice.*

WHEREAS it has been deemed expedient, with reference to the convenience of the public, that Copper Coins to be called Half Pice should be issued; It is enacted as follows:—

I. So much of Section I., Act No. XXI. of 1835, as enacts that the Copper Coins therein mentioned only, shall be issued from any mint in the Presidency of Bengal, and so much of Section I., Act No. XXII. of 1844 as enacts that the Copper Coins therein mentioned only shall be issued from any mint within the territories of the East India Company, are repealed.

II.—After the passing of this Act, Copper Coins to be called Half Pice may be issued from any of the mints in the territories under the Government of the East India Company.

III.—A Half Pice shall weigh fifty grains troy, and shall be a legal tender in any part of the said territories for $\frac{1}{128}$ part of the Company's Rupee, but shall not be a legal tender except for fractions of a Rupee.

The 3rd March 1854.

ACT No. XVI. OF 1854.

An Act to amend Regulation XI. of 1831 *of the Bengal Code.*

WHEREAS the provisions of Section III. and Section VII. of Regulation XI. 1831, have been found inconvenient, and whereas it is expedient that Regulation XI. 1831, as amended by this Act, should be extended to the whole of the Provinces of Benares; It is enacted as follows:—

I. Sections III. and VII., Regulation XI. 1831 of the Bengal Code, are hereby repealed.

Sections III. and VII., Regulation XI. 1831, repealed.

II. Wherever any Tehseeldar shall have Police jurisdiction under the provisions of Section II. of the said Regulation XI. 1831, every Darogah of Police hereafter appointed within the local limits of the Police jurisdiction of such Tehseeldar, shall be subordinate to, and subject to the control of, such Tehseeldar, in his capacity of Chief Police Thannadar.

Darogahs of Police to be subject to Tehseeldars.

III. Regulation XI. 1831, as amended by this Act, shall extend to the whole of the Province of Benares, and all powers vested by the said Regulation in the Governor General in Council, may be exercised by the Lieutenant-Governor of the North Western Provinces.

Regulation XI. 1831, as amended, extended to Benares.

The 28th July 1854.

ACT No. XVII. OF 1854.

An Act for the management of the Post Office, for the regulation of the duties of Postage, and for the punishment of offences against the Post Office.

I. Act No. XVII. of 1837, Act No. XX. of 1838, and Act No. XVII. of 1839, are hereby repealed, except so far as they repeal the whole, or any part of any other Act or Regulation, and except as to any act or offence which shall have been done or committed, or to any money which shall have become due, or to any fine or penalty which shall have been incurred, or to any proceedings which shall have been commenced, before this Act shall come into operation.

Repeal of former Acts.

II. Wheresoever, within the territories under the Government of the East India Company, posts or post communications are, or shall be established by the East India Company, the said East India Company shall have the exclusive privilege of conveying by post, from one place to another, all letters other than letters conveyed by Her Majesty's mails, except in the following cases, and shall also have the exclusive privilege of performing all the incidental services of receiving, collecting, sending, dispatching, and delivering all letters, except in the following cases; that is to say:

Exclusive privilege of carrying letters vested in the East India Company.

1.—Letters sent by a private friend in his way, journey, or travel, so as such letters be delivered by such friend to the person to whom they shall be directed, without hire, reward, or other profit or advantage, for receiving, carrying, or delivering the same.

2.—Letters solely concerning the affairs of the sender or receiver thereof, sent by a messenger on purpose.

3.—Letters solely concerning goods or other property sent either by sea or land, to be delivered with the goods or property which such letters concern, without hire, reward, or other profit or advantage, for receiving, carrying, or delivering such letters.

But nothing herein contained shall authorize any person to make a collection of such excepted letters for the purpose of sending them in the manner hereby authorized.

III. Wheresoever, within the said territories, posts or post communications are, or shall be established by the East India Company, the following persons are expressly forbidden to collect, carry, or deliver any

Prohibitions.

letter or letters, or to receive any letter for the purpose of carrying or delivering the same, although they shall not receive hire or reward for so doing; that is to say:

1.—Common carriers of passengers or goods, and their drivers, servants, or agents; except letters solely concerning goods in their carriages.

2.—Owners and Commanders of ships, steam-boats, or other vessels passing on any river or canal, or to or from any port in the territories under the Government of the East India Company, and their servants or agents; except letters solely concerning goods on board.

Penalties for breach of privilege.

IV. Every person who shall convey otherwise than by the post a letter not excepted from the said exclusive privilege shall, for every letter so conveyed, forfeit a sum not exceeding fifty rupees; and every person who shall be in the practice of so conveying letters not so excepted shall, for every week during which the practice shall be continued, forfeit a further sum not exceeding five hundred rupees; and every person who shall perform otherwise than by the post any services incidental to conveying letters from place to place, whether by receiving, taking up, ordering, collecting, carrying, or delivering a letter or letters not excepted from the said exclusive privilege, shall forfeit for every such letter a sum not exceeding fifty rupees; and every person who shall be in the practice of so performing any such incidental services shall, for every week during which the practice shall be continued, forfeit a further sum not exceeding five hundred rupees; and every person who shall send a letter not excepted from the said exclusive privilege otherwise than by the post, or shall either tender or deliver a letter not so excepted in order to be sent otherwise than by the post, shall forfeit for every such letter a sum not exceeding fifty rupees; and every person who shall be in the practice of committing any of the acts last-mentioned shall, for every week during which the practice shall be continued, forfeit a further sum not exceeding five hundred rupees; and every person who shall make a collection of excepted letters for the purpose of sending them otherwise than by the post, shall forfeit for every such letter a sum not exceeding fifty rupees; and every person who shall be in the practice of making a collection of excepted letters for such purpose shall forfeit for every week during which the practice shall continue, a further sum not exceeding five hundred rupees. Every person who shall carry, receive, or deliver a letter, or collect letters contrary to the provisions of Section III. of this Act, shall forfeit for every such letter a sum not exceeding fifty rupees; and every person who shall be in the practice of committing any of the acts last-mentioned shall, for every week during which the practice shall be continued, forfeit a further sum not exceeding five hundred rupees.

Appointment of Officers.

V. For carrying on the service of the Post Office, it shall be lawful for the Governor General of India in Council to appoint, or to authorize the local Governments to appoint, such Officer or Officers, with such official styles or designations, and to vest them with, and delegate to them such powers not inconsistent with the provisions of this Act, as the said Governor General of India in Council may deem expedient.

Postage rates on letters.

VI. Wheresoever posts or post communications are, or shall be established by the East India Company, postage, if pre-paid by a stamp or stamps, as hereinafter provided, shall be charged by weight on letters transmitted by the letter post by sea or land, or partly by sea and partly by land, according to the following scale:

On every letter not exceeding a quarter of a tolah in weight, six pies.

On every letter exceeding a quarter of a tolah, and not exceeding half a tolah in weight, one anna.

On every letter exceeding half a tolah, but not exceeding one tolah in weight, two annas.

On every letter exceeding one tolah, and not exceeding one tolah and a half in weight, three annas.

On every letter exceeding one tolah and a half, and not exceeding two tolahs in weight, four annas.

And for every tolah in weight above two tolahs, two additional annas; and every fraction of a tolah above two tolahs shall be charged as one additional tolah.

Every packet or other article transmitted by the letter post shall be deemed a letter within the meaning of this Section, unless it be a packet or other article on which a different rate of postage shall be chargeable under this Act.

The rates of postage specified in this and the following Section may be charged on all letters or other articles which shall pass through any Post Office, provided that such postage shall not be charged on letters or other articles received through Her Majesty's Mails, when such letters or articles are delivered at the place of receipt; nor on any letter or article transmitted by Her Majesty's Mails, when posted at the place of dispatch of such Mails; nor on any newspaper received by sea otherwise than through the East India Company's post and delivered at the place of receipt; nor on any newspaper posted for dispatch by sea otherwise than through the East India Company's post, when posted at the place of dispatch.

Postage rates on newspapers, &c.

VII. Wheresoever posts or post communications are, or shall be established by the East India Company, postage on newspapers, pamphlets, and other printed or engraved papers transmitted by the letter post by sea or land, or partly by sea and partly by land, shall be charged by weight according to the following scale:

1.—On every imported newspaper, pamphlet, or other printed or engraved paper—

If the same shall not exceed six tolahs in weight, two annas.

If the same shall exceed six, but shall not exceed twelve tolahs in weight, four annas.

If the same shall exceed twelve tolahs in weight, there shall be charged and taken two additional annas for every six tolahs in weight above twelve tolahs; and every fraction of six tolahs above twelve tolahs shall be charged as six additional tolahs.

2.—On every newspaper, pamphlet, or other printed or engraved paper not imported—

If the same shall not exceed three and a half tolahs in weight, two annas.

If the same shall exceed three and a half tolahs, and not exceed six tolahs in weight, four annas.

If the same shall exceed six tolahs in weight, there shall be charged and taken two additional annas for every three tolahs in weight above six tolahs; and every fraction of three tolahs above six tolahs in weight shall be charged as three additional tolahs.

An extra or supplement to any newspaper, bearing the same date as the newspaper, and transmitted therewith under the same cover, shall be deemed part of the newspaper.

Nothing contained in this Act shall be construed to oblige any person to send any newspaper, pamphlet, or other printed or engraved paper through the Post Office, but it shall be lawful for all persons to send the same in any other manner.

Newspapers, &c., how to be sent by post.

VIII. A newspaper, pamphlet, or other printed or engraved paper, shall not be sent by the letter post at the rates prescribed in the preceding Section, unless the following conditions be observed; that is to say:

1.—It shall be without a cover, or in a short cover open at both ends.

2.—There shall be no word printed on such newspaper, pamphlet, or other printed or engraved paper after its publication, or upon the cover thereof, nor any writing or mark upon it or upon the cover of it, except the name and address of the person to whom it is sent, and the name and address of the sender.

3.—There shall be no paper or thing enclosed in or with any such newspaper, pamphlet, or other printed or engraved paper.

When to be charged with letter postage.

IX. Any newspaper, pamphlet, or other printed or engraved paper sent by the letter post, in respect of which the above conditions shall not be observed, shall, together with any thing enclosed in or with the same, be charged with postage at the rate which would be charged on an unstamped letter of equal weight.

Proof sheets.

X. Proof sheets marked as such may be sent by the letter post at the rates prescribed for newspapers, provided the contents be correctly certified on the cover by the signature in full of the sender, otherwise the same shall be charged with postage at the rate which would be charged on an unstamped letter of equal weight.

Inland banghy postage.

XI. Inland banghy postage shall be charged by weight and distance, on parcels sent by the banghy post, according to the following scale :—

For Distances.		If not exceeding in weight													
		20 Tolahs.		100 Tolahs.		200 Tolahs.		300 Tolahs.		400 Tolahs.		500 Tolahs.		600 Tolahs.	
	Miles.	Rs.	As.	Rs.	As.	Rs.	As.	Rs.	As.	Rs.	As.	Rs.	As.	Rs.	As.
Not exceeding,	100	0	2	0	4	0	8	0	12	1	0	1	4	1	8
Not exceeding,	300	0	6	0	12	1	8	2	4	3	0	3	12	4	8
Not exceeding,	600	0	12	1	8	3	0	4	8	6	0	7	8	9	0
Not exceeding,	900	1	2	2	4	4	8	6	12	9	0	11	4	13	8
Not exceeding,	1200	1	8	3	0	6	0	9	0	12	0	15	0	18	0
Exceeding, --	1200	1	14	3	12	7	8	11	4	15	0	18	12	22	8

Provided that several letters shall not be enclosed in a banghy parcel under a penalty not exceeding fifty rupees, and letter postage shall be chargeable on every letter contained therein.

Books, pamphlets, &c.

XII. Books, pamphlets, packets of newspapers, and of printed or engraved papers other than newspapers, provided they do not exceed one hundred and twenty tolahs in weight, and be sent without covers, or packed in short covers open at both ends, and provided the postage thereon be pre-paid by means of a proper stamp or stamps to be affixed thereon as hereinafter provided, shall, if sent by the banghy post, or by sea as banghy parcels, or partly by the banghy post and partly by sea, be charged with the following rates of postage, without reference to the distance to which they may be carried :—

If not exceeding twenty tolahs in weight, one anna.

If exceeding twenty tolahs, but not exceeding forty tolahs in weight, two annas.

And for every twenty tolahs in weight above forty tolahs, there shall be charged and taken one additional anna; and every fraction of twenty tolahs above forty tolahs shall be charged as twenty additional tolahs.

If any such book, pamphlet, or packet exceed one hundred and twenty tolahs, or if the postage chargeable thereon be not pre-paid as aforesaid, it shall be subject to the rate of postage prescribed for banghy parcels in the preceding Section of this Act.

Table of distances.

XIII. Banghy postage, when chargeable by distance under Section XI., shall be calculated and charged according to a Polymetrical Table of distances, showing, as accurately as practicable, the distance by the nearest road between every two Post Office Stations in India, which Table shall be prepared by order of the Governor General of India in Council, and corrected from time to time as need be. Each Post Master General shall prepare from the aforesaid Polymetrical Table, in the English and Vernacular languages for the use of every Post Office under his control, a list of all the other Post Offices of India, arranged alphabetically, and shewing the distance of each of them from the Post Office for the use of which it is made; and such list shall be affixed in some conspicuous place in such Post office.

Limitation of weight of letters where there is a banghy post.

XIV. Where there is a banghy post established on any line of road, no letter or other article exceeding twelve tolahs in weight shall be conveyed by the letter post on that line of road, except in such cases, and under such restrictions as the Governor General of India in Council may direct; and every letter or other article not exceeding twelve tolahs in weight shall be conveyed by the letter post, unless expressly directed to be sent by the banghy post.

Where there is no banghy post.

XV. Where there is no banghy post established on any line of road, letters, parcels, and packets exceeding twelve tolahs, and not exceeding forty tolahs in weight, shall be received and transmitted by the letter post. Letters shall be charged according to the scale in Section VI., and newspapers, pamphlets, and other printed or engraved papers according to the scale in Section VII. of this Act, as the case may be; parcels and packets shall be charged with banghy postage according to the scale in Section XI. or Section XII. of this Act, as the case may be, if it be certified in writing on such parcel or packet, under the full signature and address of the sender, that it does not contain any letter or other written communication, or any newspaper, pamphlet, or other printed or engraved paper. If any such certificate be false, any such thing contained in such certified letter or other article shall be charged with postage according to the rates specified in Section VI. or Section VII. of this Act as if sent separately, and the sender will be subject to the penalty hereinafter provided. Parcels exceeding forty tolahs, and not exceeding six hundred tolahs in weight, shall be transmitted along any such line as banghy parcels; but it shall be in the discretion of the Post Master or Deputy Post Master, to whom such parcels are brought for dispatch, to forward them at such times and in such manner as may be convenient.

Letters and other articles exceeding twelve tolahs, but not exceeding forty tolahs.

Certificate.

Parcels exceeding forty tolahs.

Where banghy parcels and letter mails are conveyed in the same carriage.

XVI.—Whenever the Post Master General of any Presidency shall have notified in the official *Gazette*, that the banghy post is conveyed in the same carriage with the letter post along any line of road, it shall not be lawful to send by the banghy post any letter or written communication of less weight than twelve tolahs, or

any packet of newspapers; and every person who shall knowingly send by the banghy post, along any such line of road, any such letter, written communication, or newspaper enclosed in a parcel, shall forfeit for every such offence a sum not exceeding fifty rupees, and postage shall be charged for every such letter, packet, or newspaper, as if sent separately by the letter post.

Ship postage on parcels.

XVII. On all parcels chargeable under Section XI. with banghy postage according to distance when conveyed by land, ship postage shall be charged when they are conveyed by means of the East India Company's post by sea according to the following scale; *viz.*

On every parcel not exceeding one hundred tolahs in weight, eight annas.

And for every hundred tolahs in weight above one hundred tolahs, eight additional annas; and every fraction of one hundred tolahs above one hundred tolahs shall be charged as one hundred additional tolahs; and if such parcel be conveyed by the East India Company's post, partly by banghy and partly by sea, ship postage shall be charged in addition to inland banghy postage.

Limitation of weight and dimensions of parcels.

XVIII. No parcel exceeding six hundred tolahs in weight, or three feet in length, or one foot in breadth, or one foot in depth, or two thousand five hundred and ninety-two cubic inches in bulk, shall be received at any Post Office for dispatch either by ship or steam-boat, or by banghy post, except in such cases and under such restrictions as the Governor General of India in Council shall direct. On parcels exceeding six hundred tolahs in weight, when so forwarded, there shall be charged and taken an additional single rate of banghy postage according to distance for every hundred tolahs above six hundred tolahs; and every fraction of one hundred tolahs above six hundred tolahs shall be charged as one hundred additional tolahs.

Ship and inland postage on foreign covers must be pre-paid.

XIX. Letters and newspapers posted for dispatch, either by Her Majesty's Mails or otherwise to Ceylon, or to any place to which a post communication shall not have been established by the East India Company, upon which the full amount of postage chargeable under this Act has not been pre-paid by a postage stamp or stamps, shall not be dispatched, but shall be dealt with as unclaimed letters are hereinafter directed to be dealt with. No parcel shall be received for dispatch as above to any such place, unless the full amount of postage chargeable thereon shall be pre-paid in money or by a postage stamp or stamps.. Provided that nothing in this Section shall be construed to require the pre-payment of British postage on letters, parcels, or other articles, upon which the pre-payment of such postage has been left optional by Her Majesty's Post Master General.

Postage on letters, &c., not pre-paid.

XX. Subject to any alteration which may be made by virtue of the power hereinafter vested in the Governor General of India in Council, letters posted for dispatch, either by sea or land, to any place to which a post communication is, or shall be established by the East India Company, upon which the postage chargeable under Section VI. of this Act has not been pre-paid by a postage stamp or stamps, shall be forwarded to their destination, and upon every such letter double postage shall be charged on delivery. Newspapers, pamphlets, and other printed and engraved papers so posted, not pre-paid by a postage stamp or stamps, shall be forwarded to their destination, and the postage chargeable on them shall be levied on delivery: but no money shall be received at any Post Office in pre-payment of postage on any letter, newspaper, pamphlet, or other printed or engraved paper so posted. On parcels so posted, the postage chargeable according to Section XI. or Section XVII. may be pre-paid in money or by a postage stamp or stamps; when not pre-paid, they shall be forwarded to their destination, and the postage thereon shall be levied on delivery.

Governor General in Council may direct pre-payment of postage in all cases.

XXI. It shall be lawful for the Governor General of India in Council at any time to direct that all or any letters, packets, parcels, or other articles, shall not be forwarded by post, unless the postage thereof shall be pre-paid by means of a proper stamp or stamps; or that on all or any letters, packets, parcels, or other articles on which the postage shall not be pre-paid by a stamp or stamps, or otherwise, as the said Governor General in Council shall direct, there shall be charged such higher rates of postage as from time to time may be deemed expedient, not exceeding double the rates of postage hereinbefore specified.

Letters, &c. with insufficient stamps how charged.

XXII. If any letter be posted, having affixed thereto a postage stamp or stamps, the value of which shall be less than the rate of postage to which such letter would be liable if duly and properly stamped when posted, there shall be charged on such letter a postage of double the amount of the difference between the value of the stamp affixed thereto, and the postage to which such letter would be liable as aforesaid if duly and properly stamped when posted. If any parcel, newspaper, pamphlet, or other printed or engraved paper shall be so posted, having affixed thereto any such stamp or stamps, the value of which shall be less than the rate of postage to which the same would be otherwise liable under this Act, there shall be charged thereon a postage equal to the amount of the difference between the value of the stamp or stamps affixed thereto, and the postage to which such parcel, newspaper, pamphlet, or other printed or engraved paper shall be otherwise liable, as aforesaid.

Re-directed letters.

XXIII. On every letter or packet, which shall be re-directed and forwarded by the letter post, from any place to which it shall have been conveyed by the letter post, there shall be charged for the postage thereof from the place at which the same shall be re-directed, in addition to all other postage paid or due thereon, the rate of postage to which it would be liable, if posted and pre-paid by stamp at the place where it shall be re-directed.

No dangerous substance to be sent by post.

XXIV. No person shall knowingly post, or send, or tender, or deliver in order to be sent by the post, any letter, parcel, or packet, containing any explosive or other dangerous material or substance; and any person contravening this prohibition shall forfeit for every such offence a sum not exceeding two hundred rupees.

Governor General of India in Council may alter the rates of postage.

XXV. It shall be lawful for the Governor General of India in Council at any time to authorize the levy of postage at rates different from those prescribed in this Act, provided there be no increase made thereby in any particular of the rates so prescribed, except as provided in Section XXI. of this Act.

Letters and packets once put into the Post Office.

XXVI. No person having delivered into any Post Office any letter, parcel or packet, shall be entitled to re-call the same; but nothing in this Section shall prevent the re-delivery of any such letter, parcel, or packet, to the sender thereof, subject to such rules and regulations, if any, as the Governor General of India in Council may direct; but newspapers, pamphlets, or other printed or engraved papers may be so re-called or restored, provided that the person claiming the same shall satisfy the Officer in charge of the Post Office that he was the sender thereof, and provided the amount of postage which would have been due thereon, if the same had been forwarded, be paid.

Steam postage.

XXVII. The postage charged on letters and packets by Her Majesty's Post Master General, under the name of Steamer or British packet postage, or by any other denomination, shall, after the rates of such postage have been published in the official *Gazette* of any Presidency, be recovered in the same manner as postage chargeable under this Act.

XXVIII. All letters and other articles, having a stamp or stamps affixed thereto, (such stamp or stamps in every case being affixed on the outside, and being equal in value to the rate or rates of postage to which such letters or other articles are liable under this Act,) shall, provided the stamp or stamps shall not have been used before, be considered as pre-paid.

Postage stamps.

XXIX. The Governor General of India in Council shall cause postage stamps to be provided, denoting such values as the said Governor General of India in Council may direct, and shall give such orders, and make such other regulations relative thereto, as may be deemed expedient.

How to be provided.

XXX. Postage stamps, provided as aforesaid, shall be under the care and management of such Officer or Officers as the Governor General of India in Council shall direct; and all sums of money realized by the sale of postage stamps shall be carried in the public accounts to the credit of the Post Office.

Postage stamps to be under management of any Officer to be appointed.

XXXI. The Governor General of India in Council may make rules for the appointment and Government of vendors of postage stamps, and thereby direct how and under what terms and conditions postage stamps may be supplied to them for sale; and whether any and what security shall be given by such vendors, and whether any and what remuneration or discount shall be allowed to them, and how and in what manner, and at what time or times, such vendors shall keep and render their accounts, and pay over the proceeds of any sales made by them, or re-deliver the stamps entrusted to them.

Vendors of postage stamps to be appointed.

XXXII. Government vendors of postage stamps shall be bound by such rules, and in case of any wilful breach thereof, shall be liable to a penalty not exceeding two hundred rupees, in addition to any other proceedings to which they may be liable.

Vendors to be bound by rules.

XXXIII. Any Government vendor of postage stamps, who shall be convicted of refusing or unnecessarily delaying, without reasonable excuse, to furnish postage stamps to any person desiring to purchase the same, and tendering in lawful currency the full value thereof, (the stamp vendor having in his possession for sale sufficient stamps of the description and value required,) shall be subject to a fine not exceeding one hundred rupees.

Penalty of vendor refusing to supply stamps.

XXXIV.—Any Government vendor of postage stamps, convicted of taking from a purchaser a higher price than the value denoted on stamps sold, shall be deemed guilty of extortion, and shall be punished, on conviction, with imprisonment, with or without hard labor, for any term not exceeding six months, or to a fine not exceeding one hundred rupees, and shall also be liable to refund to the purchaser the whole amount proved to have been taken in excess, which amount may be recovered by such purchaser before a Magistrate in the same manner as any penalty under this Act.

Penalty of vendor selling stamps for higher price than the value denoted thereby.

XXXV.—Clause 1. If any person shall forge or counterfeit, or cause or procure to be forged or counterfeited, any die, plate, or other instrument used for the purpose of making postage stamps; or if any person shall forge or imitate, or cause to be forged or imitated, any postage stamp; or if any person shall knowingly, and without lawful excuse (the proof of which excuse shall lie on the person accused,) have in his possession any false, forged or counterfeited die, plate, or other instrument resembling, or intended to resemble, either wholly, or in part, any die, plate, or instrument used for the purpose aforesaid; or if any person shall stamp or mark any paper or other substance with any such false, forged, or counterfeit die, plate, or instrument as

Penalties for forging stamps, &c.

aforesaid; or if any person shall knowingly use, utter, sell, or expose for sale, or shall knowingly and without lawful excuse (the proof of which excuse shall lie on the person accused) have in his possession any paper or other substance having thereon the impression of any such false, forged, or counterfeit die, plate, or other instrument as aforesaid; or having thereon any counterfeit stamp resembling, or intended to resemble, or to be mistaken for a postage stamp, such person so offending, and every person knowingly aiding, abetting, or assisting such person in committing any such offence, shall be punished with imprisonment, with or without hard labor, for a term not exceeding seven years, and shall also be liable to fine.

Forged stamps may be seized.

Clause 2.—Any Officer of Police may seize, and transmit to the Magistrate, any such forged or counterfeit die, plate, or other instrument, or any such forged or counterfeit postage stamp.

And searched for.

Clause 3.—Any Officer of Police having power by law to search for stolen property may, subject to the provisions under which he is empowered to make such search, proceed to search houses or other places in which there may be reasonable cause to suspect that there is any such forged or counterfeit article, and shall seize and transmit to the Magistrate any such counterfeit article that may be found therein.

Penalties for evading postage stamp duties.

XXXVI. If any person shall fraudulently remove any postage stamp from any letter or other thing to which such stamp shall have been affixed; or if any person shall knowingly use any such stamp or stamps so fraudulently removed; or if any person shall fraudulently erase or remove, from any such stamp or stamps, any writing or other matter or thing thereon written or impressed, every person so offending shall forfeit a sum not exceeding two hundred rupees for every such offence.

Postage on unpaid letters, &c., to be paid by the receiver.

XXXVII. The person to whom any letter or other article, the postage of which has not been paid, shall be delivered, shall not be bound to pay the postage if he forthwith return the same unopened, but if he open the same, he shall be bound to pay the postage due thereon. If he forthwith return the same unopened, the sender of the letter or packet shall be bound to pay the postage thereof. If any person shall refuse to pay any postage which he is legally bound to pay for any letter or other article, the same may be recovered for the use of the East India Company by any Post Master General, or by any Officer in charge of a Post Office, by order of a Post Master General, in the same manner as a fine may be recovered under this Act; and it shall be lawful for the Officer in charge of any Post Office to withhold from the person so refusing, until such postage be paid, any other letter or packet addressed to that person, not being superscribed as on the public service. Provided always, that if a letter or other article shall appear to the satisfaction of the Post Master of the Office of delivery to have been maliciously sent for the purpose of annoying the person to whom it is addressed, the Post Master of the Delivery Office may remit the postage.

Registered letters.

XXXVIII. Any person posting a letter or other article shall be entitled to require that it shall be registered at the receiving Post Office, and that a receipt shall be granted for such registered letter or article, and it shall be lawful for the Governor General in Council to direct, that, in addition to any rates of postage payable under this Act, a fee not exceeding four annas shall be charged on any letter or other article which the sender thereof shall require to be so registered, and such registration fee shall be paid on the letter or other article being delivered at the Post Office.

XXXIX. It shall be lawful for the Governor General of India in Council to fix and order any rate of postage to be charged for the conveyance of, letters or other articles by express, in addition to, or instead of, any other rates of postage chargeable on such letters and articles under this Act.

Expresses.

XL. When any vessel arrives by sea at any place within the territories under the Government of the East India Company at which there is a Post Office, the Commander of such vessel shall, as speedily as possible, cause every letter and packet on board of such vessel, which is directed to that place, and not excepted from the exclusive privilege of the Post Office, to be delivered either at the Post Office, or to some Officer of the Post Office authorized to receive the same; and if there be on board any letter or packet directed to any other place, and not excepted from the exclusive privilege aforesaid, the said Commander shall, as speedily as possible, report the same to the Post Master of the place at which he has arrived, and shall act according to the directions he may receive from such Post Master, and the receipt of such Post Master shall discharge such Commander from all responsibility in respect of such letter or packet. Every Commander of a vessel, who shall wilfully disobey any of the directions contained in this Section, shall be punished with a fine not exceeding one thousand rupees.

Commanders of inward-bound vessels carrying mails, how to proceed.

Penalty.

XLI. Every person, being either the Commander of a vessel, inward-bound, or any one on board such vessel, who shall, within the said territories, knowingly have in his possession any letter not excepted from the privilege of the Post Office, after any part of the letters on board the said vessel shall have been sent to the Post Office, shall forfeit for every such letter a sum not exceeding fifty rupees, whether the letter be in the baggage or on the person of the offender or otherwise in his custody; and every such person who shall detain any such letter after demand made for the same by an Officer of the Post Office, shall forfeit for every such letter a sum not exceeding one hundred rupees.

Detention of letters on board prohibited.

XLII. For every letter delivered by the Commander of any ship in conformity with the directions of Section XL. of this Act, the Officer in charge of the Post Office shall pay to the said Commander the sum of one anna; and the sum of one anna shall be chargeable as postage on such letter, in addition to any other postage chargeable thereon under this Act. Provided that no payment shall be made to the Commander of any vessel on account of the delivery of any letter, unless the claim of such Commander shall be preferred before the vessel leaves the place at which the letter was delivered, or before the expiration of two months from the date of the arrival of such vessel. Provided also, that nothing contained in Sections XL., XLI. and XLII. of this Act shall extend to any letter or packet conveyed by Her Majesty's Mails.

Bounty money.

XLIII. The Commander of every vessel leaving any place in the said territories by sea shall receive on board of such vessel every letter and packet which he shall be required so to receive by any Officer of the Post Office, and shall give a receipt for such letter or packet; and every Commander of a vessel who shall wilfully disobey any direction contained in this Section shall be punished with a fine not exceeding one thousand rupees.

Commanders of outward-bound vessels to receive mails on board.

XLIV. Clause 1.—A list of all letters, packets, and parcels posted and addressed to persons who cannot be found, shall be prepared daily in every Post Office, and exposed for not less than two weeks in the most conspicuous part of such Office; and all such letters, packets and parcels

Unclaimed letters, &c.

which shall have remained three weeks unclaimed in any Office, shall, if the sender's name and address are written on the cover, be returned to the Posting Office to be delivered to the sender free of all charge; all letters, packets, and parcels, of which the sender's name and address cannot be ascertained, unless they be opened, shall, after remaining unclaimed for three weeks as above, be forwarded to the Office of the Post Master General of the Presidency.

To be opened, &c.

Clause 2.—The Post Master General, or some person duly appointed for the purpose and bound to secrecy, shall immediately open all such letters, packets, or parcels, and if the address of the sender can be discovered, shall enclose them in dead letter covers and return them to the sender. All letters, packets, and parcels, of which neither the person addressed nor the sender can be found, shall, after they have remained unclaimed in the Office of the Post Master General for one year, be destroyed.

Money, &c., found therein.

Clause 3.—All money found in any unclaimed letter, packet, or parcel, shall be paid into the Public Treasury, and all other valuable property found as above shall be sold by the Post Master General of the Presidency, or by some one duly authorized by him for that purpose, and the proceeds of the sale shall be paid into the Public Treasury for the benefit of any person who may have a right thereto, after deducting all sums due from such person for postage.

Refused letters, &c.

XLV. Letters, parcels, or packets rejected unopened by the person to whom they are addressed shall be forthwith sent to the Office of the Post Master General of the Presidency, who shall open the letter, parcel, or packet, and take measures to recover the postage from the sender, or shall at his discretion destroy the letter, parcel, or packet; and all money, or other valuable property, which such letter, parcel, or packet may contain, shall be disposed of in the manner prescribed in the preceding Section, with respect to such money or property contained in unclaimed letters.

Franking abolished.

XLVI. On and after the passing of this Act, the privilege of sending and receiving letters and packets by the post, free of postage, whether official or otherwise, shall wholly cease; and all letters and packets, to which any such privilege now extends, shall henceforth be charged with the same rates of postage as any other letters sent by the post. Provided that letters and packets on the public service, certified to be such by the signature of any public officer, authorized in that behalf by the Governor General of India in Council, shall be forwarded by the post as if they were duly stamped, and the postage due thereon shall be charged to the several public departments, from which such letters or packets are sent, in such manner as the said Governor General of India in Council shall direct.

Letters on the public service duly certified as such, how to be charged.

Penalty for false certificate.

XLVII. Every person who shall, for the purpose of defrauding the Post Office Revenue, wilfully certify, by writing on any official or other letter or packet delivered at any Post Office for conveyance by post, that which is not true in respect of such letter or packet, or in respect of the whole of its contents, or shall knowingly send or deliver, or attempt to send or deliver for conveyance by post, any letter or packet with any such false certificate thereon; and every person who shall knowingly send, or permit to be sent by post, under color or pretence of an official communication, any letter, paper, writing, or other enclosure of a private nature; and every person who shall aid, abet, or conceal any of the offences in this Section above-mentioned, shall, for every such offence, forfeit a sum not exceeding five hundred rupees.

Letters, &c., suspected to contain contraband articles, or writing in contravention of this Act, how to be dealt with.

XLVIII. If any Officer, in charge of a Post Office, shall suspect that any letter, parcel, or packet, lying for delivery at his Office, contains any contraband article, or any article on which duty is owing to Government, or that any letter, parcel, or packet lying for delivery at the Post Office, contains any writing or enclosure in contravention of the provisions of Section VIII., XV., XVI., or XLVII. of this Act, it shall be lawful for such Officer to summon the person to whom the letter, parcel, or packet is directed, to attend at the Post Office by himself or agent within forty-eight hours after the arrival thereof at that Post Office, and to open the same in the presence of the person to whom it is directed, or of that person's agent, and if that person shall not so attend by himself or agent, then to open it in the absence of that person. Provided that if the Officer in charge be under the rank of a Post Master, he shall call in two respectable persons as witnesses before he shall open a letter, parcel, or packet in the absence of the person to whom it is addressed. Provided, also, that in all cases the opened letter, parcel, or packet shall be subsequently delivered to the person to whom it is addressed, unless it be required for ulterior proceedings, and that the opening of the same, and the circumstances connected therewith, shall be immediately reported to the Post Master General. It shall also be lawful for any Officer in charge of a Post Office to refuse to forward any parcel or packet through the Post Office by sea to any foreign port or to any place not on the continent of India, unless such parcel be accompanied by a Custom House Pass.

Government not responsible for loss.

XLIX. The Government shall not be responsible for any loss or damage which may occur in respect of anything entrusted to the Post Office for conveyance, and no person employed by the Government in the Post Office Department shall be responsible for any such loss or damage, unless that person shall cause such loss or damage negligently, maliciously, or fraudulently.

Penalty for secreting, opening, or making away with letters, &c., by persons employed in the Post Office.

L. Whoever being in the employ of the Government in the Post Office Department shall fraudulently secrete, make away with, or appropriate any letter, parcel, or packet which may have been entrusted to him, or any thing contained in any such letter, parcel, or packet, or shall mutilate or break open any such letter, parcel, or packet, or any banghy parcel or box, with the intention of fraudulently appropriating any thing therein contained, shall be punished with imprisonment, with or without hard labor, for a term not exceeding seven years, and shall also be liable to fine.

Penalty for detaining mails.

LI. It shall not be lawful for any person, unless acting by express order of the Government, to detain, except for a criminal offence, a Post Office messenger, whilst carrying the mails, or to detain any carriage or horse upon which the mails are being carried, or on any pretence to open a packet in transit from one Post Office to another; and every person who shall be guilty of any of the above-mentioned offences shall be punished with a fine not exceeding five hundred rupees.

Penalty for retaining letters, &c., delivered by mistake.

LII. Every person who shall fraudulently retain, or wilfully secrete, or make away with, or keep, or detain, or, being required to deliver up by an officer of the Post Office, shall neglect or refuse to deliver up a post letter or other article which ought to have been delivered to any other person, or a post letter bag containing a letter or other article or packet which shall have been sent by the post, shall be punished, on conviction before a Magistrate, with imprisonment, with or without hard labour, for a term not exceeding two years, and shall also be liable to fine.

Penalty for neglect on the part of persons employed to carry mails.

LIII. Every person employed to convey or deliver any post bag, or any letter, parcel or packet sent by post, who shall be guilty, while so employed, of any act of drunkenness, carelessness, or other misconduct, whereby the safety of any such bag or letter, parcel or packet shall be endangered; or who shall loiter or make delay in the conveyance or delivery of any such bag, letter, parcel, or packet; or who shall not use proper care and diligence safely to convey or deliver any such bag, letter, parcel, or packet, shall be liable to a fine not exceeding fifty rupees; and any person employed to deliver a letter, parcel, or packet sent by the post, who shall not duly deliver the same, shall, within a reasonable time, not exceeding twenty-four hours, report the fact at the Post Office where he received such letter, parcel, or packet, and return the same; and if any such person shall wilfully make a false report, he shall be liable to a fine not exceeding fifty rupees.

Penalty for embezzlement by persons employed in the Post Office.

LIV. Whoever being in the employ of the Government in the Post Office Department, and being entrusted to receive money for postage duty or any other public purpose, shall fraudulently appropriate the same, shall be punished, on conviction before a Magistrate, with imprisonment, with or without hard labour, for a term not exceeding two years, and shall also be liable to fine.

Penalty for fraudulently altering marks on letters, &c., by persons employed in the Post Office.

LV. Whoever being in such employ as is described in Section LIV. shall fraudulently put any wrong mark on any letter, parcel, or packet, or shall fraudulently alter, remove, or cause to disappear, any mark or stamp which is on any letter, or packet, or shall fraudulently use or place with or upon any letter or packet any stamp which shall have been removed from any other letter or cover, or shall aid, abet, or conceal any of the above-named acts, shall be punished, on conviction before a Magistrate, with imprisonment, with or without hard labour, for a term not exceeding two years, and shall also be liable to fine.

Penalty for incorrectly preparing documents, or secreting documents by persons employed in the Post Office.

LVI. Whoever being in such employ as is described in Section LIV., and being entrusted with the preparing or keeping of any document, shall, with a fraudulent intention, prepare that document incorrectly, or alter that document, or shall aid, abet, or conceal any of the above-named acts, or secrete or destroy that document, shall be punished, on conviction before a Magistrate, with imprisonment, with or without hard labour, for a term not exceeding two years, and shall also be liable to fine.

Penalty for sending letters without charging postage, by persons employed as above.

LVII. Whoever being in such employ as is described in Section LIV., shall send by post, or put into any post bag, any unstamped letter, parcel, or packet, upon which postage has not been paid or charged in the manner prescribed in this act, intending thereby to defraud the Government of the postage on such letter, parcel, or packet, or shall aid, abet, or conceal any such acts, shall be punished, on conviction before a Magistrate, with imprisonment, with or without hard labour, for a term not exceeding two years, and shall also be liable to fine.

Fines how to be recovered.

LVIII. Any person, whether a European British subject or not, who shall be guilty of any offence for which, according to the provisions of this Act, he shall be liable to a fine only, shall be punishable for such offence, by any Justice of the Peace for any of the Presidency Towns of Calcutta, Madras and Bombay, Magistrate, Joint Magistrate, or person lawfully exercising the powers of Magistrate; and any person hereby made punishable by a Justice of the Peace shall be punishable upon summary conviction.

Conviction to be quashed on merits only. Form of conviction, &c.

LIX. No conviction, order, or judgment of any Justice of the Peace shall be quashed for error of form or procedure, but only on the merits, and it shall not be necessary to state on the face of the conviction, order, or judgment, the evidence on which it proceeds, but the depositions taken, or a copy of them, shall be returned with the conviction, order, or judgment, in obedience to any writ of *certiorari*, and if no jurisdiction appears on the face of the conviction, order, or judgment, but the depositions taken supply that defect, the conviction, order, or judgment shall be aided by what so appears in such depositions.

Magistrate may refer charge to his Assistant.

LX. A Magistrate may refer for trial and decision any charge of an offence hereby made punishable by fine only to any of his Assistants, or to any Deputy Magistrate lawfully appointed to exercise the powers of a Covenanted Assistant, and in such case every such Assistant or Deputy Magistrate may exercise all the powers vested in a Magistrate, subject to all the rules applicable to criminal cases deputed to such Assistants or Magistrates acting judicially.

Government may authorize Assistants and Deputy Magistrates to exercise certain powers.

LXI. The local Government may give general authority to any such Assistant or Deputy Magistrate to exercise, without reference by a Magistrate, any of the powers which they are hereby rendered competent to exercise upon reference by a Magistrate, subject to appeal to the Magistrate from any conviction by such Assistant or Deputy Magistrate, within one month from the date of the conviction. Provided that a Magistrate may at any time call from any of his Assistants, or from any Deputy Magistrate subordinate to him, any case pending before such Assistant or Deputy Magistrate.

Fines how levied.

LXII. All fines imposed under the authority of this Act, for offences punishable by fine only, by any Justice of the Peace, Magistrate, Joint Magistrate, or person lawfully exercising the powers of a Magistrate, or by any Assistant to a Magistrate or Deputy Magistrate, may, in case of non-payment thereof, be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand of any of the above-named officers, and in case any such fine shall not be forthwith paid, any such officer may order the offender to be apprehended and detained in safe custody until the return can be conveniently made to such warrant of distress, unless such party shall give security to the satisfaction of such Officer for his appearance at such place and time as shall be appointed for the return of the warrant of distress, and such Officer may take such security by way of recognizance or otherwise; and if upon the return of such warrant, it shall appear that no sufficient distress can be had whereon to levy such fine, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such officer by the confession of the party or otherwise, that he has not sufficient goods and chattels whereupon such fine or sum of money could be levied if a warrant of distress were issued, any such Officer, by warrant under his hand, may commit the offender to prison, there to be imprisoned only, or to be imprisoned and kept to hard labour, according to the discretion of such Officer, for any term not exceeding two calendar months where the amount of the fine shall not exceed fifty rupees, and for any term not exceeding four calendar months where the amount shall not exceed one hundred rupees, and for any term not exceeding six calendar months in any other case, the commitment to be determinable in each of the cases aforesaid, on payment of the amount.

Imprisonment if no sufficient distress, &c.

Moiety of fines to informer.

LXIII. A share not exceeding one moiety of every fine imposed and recovered under this Act may be awarded to the informer.

LXIV. No proceedings shall be taken for the recovery of any such fine without an order of Government, or an order in writing of the Director General of the Post Office, or of a Post Master General.

No proceedings to be taken without an order.

LXV. If any servant of the East India Company, who shall be employed by the said Company in the Post Office Department, or shall be appointed a vendor of postage stamps, or entrusted by the said Company or any of the said local Governments with the sale of postage stamps within the dominions of any Foreign Prince or State in alliance with the said Company in which a post shall be established by the said Company, shall, within the dominions of such Prince or State, commit any act hereby prohibited, or omit to do any act hereby required to be done, by any person similarly employed, appointed, or entrusted as aforesaid within the territories under the Government of the said Company, such servant of the said Company shall be guilty of an offence, and, on conviction thereof, shall be punished in the same manner as if such act had been done or omitted within the said last-mentioned territories, and every such person may be tried, convicted, and punished, either by fine or otherwise, according to the nature of the offence, by any Court or Officer duly empowered by the Governor General of India in Council to take cognizance of offences committed in such dominions by servants of the East India Company, or by any Court or Magistrate, or other competent Officer, in any part of the territories within the Government of the East India Company, in the same manner as if the offence had been committed in such part of the said territories.

Servants of East India Company committing offences in Foreign States in alliance.

LXVI. The word "Magistrate" in this Act shall include Joint Magistrates and persons lawfully exercising the powers of Magistrates, and the word "fine" shall include a penalty or forfeiture, or a sum of money due upon a forfeited recognizance.

Interpretation.

LXVII. It shall be lawful for the Governor General of India in Council to frame rules for the conduct of the Post Office not inconsistent with this Act, and therein to prescribe the regulations, conditions, and restrictions, according to which all letters and other articles shall be posted, forwarded, conveyed, and delivered.

Governor General in Council may frame rules.

LXVIII. Unless the Governor General of India in Council shall otherwise order, nothing in this Act shall authorize the charge of postage upon printed books, magazines, reviews, or pamphlets (whether British, Colonial, or Foreign) sent through the post from the United Kingdom to any place to which there shall be a post established by the East India Company, or from such place to the United Kingdom, provided the British postage chargeable thereon be pre-paid.

Books, &c., sent by post to or from the United Kingdom.

LXIX. It shall be lawful for the Governor General of India in Council, by an order in Council, to direct that postage shall not be chargeable under this Act, on any letters or other articles to be specified in such order sent through the post from any part of the British Dominions to any place to which there shall be a post established by the East India Company, or from such place to any part of the British Dominions, subject to such conditions, as to the pre-payment of British postage or otherwise, as the Governor General of India in Council may think fit.

Governor General in Council may exempt from postage letters sent to or from the United Kingdom.

LXX. It shall be lawful for the Governor General of India in Council to frame Rules for the management of all or any Zemindaree Thannah, or other District Dawks, and to declare, from time to time, what portions of this Act shall be applicable to such Dawks, and to persons employed in connexion therewith.

District Dawks.

LXXI. This Act shall commence and take effect from and after the first day of October 1854.

Commencement of Act.

The 12th August 1854.

ACT No. XVIII. OF 1854.

An Act relating to Railways in India.

Preamble.

WHEREAS it is expedient, that all Railways, which have been, or shall be opened, by any Railway Company, under the superintendence and control of the East India Company, for the public conveyance of passengers or goods in any part of the territories in the possession and under the Government of the said Company, should be subject to the same regulations; It is enacted as follows:—

Fares to be pre-paid.

Passenger tickets to be given up on demand.

Penalty.

I. No person shall enter any carriage used on any such Railway, for the purpose of travelling therein, without having first paid his fare, and obtained a ticket. Every person desirous of travelling on such Railway shall, upon payment of his fare, be furnished with a ticket, specifying the class of carriage and the distance for which the fare has been paid, and shall, when required, show his ticket to any servant of the said Company duly authorized to examine the same, and shall deliver up such ticket upon demand, to any of the Company's servants duly authorized to collect tickets. Any person not producing or delivering up his ticket, as aforesaid, shall be liable to pay the fare from the place whence the train originally started, unless he can prove that he has travelled a less distance only, in which case he shall be liable to pay the fare only from the place whence he has travelled.

At intermediate Stations, fares and tickets to be conditional.

Proviso.

II. At the intermediate Stations, the fares shall be deemed to be accepted, and the tickets furnished only upon condition that there be room in the train for which the tickets shall be furnished. In case there shall not be room for all the passengers to whom tickets shall have been furnished, those who shall have obtained tickets for the longest distance shall have the preference; and those who shall have obtained tickets for the same distance shall have the preference according to the order in which they shall have received their tickets. Provided that all Officers and troops of Her Majesty, or of the East India Company, on duty, and all other persons on the business of the East India Company, who, by virtue of any contract with the East India Company, shall be entitled to be conveyed on such Railway in preference to, or in priority over the public, shall be entitled to such preference and priority, without reference to the distance for which, or the order in which they shall have received their tickets.

Penalty for fraud.

III. Any person who shall defraud or attempt to defraud any such Railway Company by travelling, or attempting to travel, upon such Railway, without having previously paid his fare; or by riding in or upon a carriage of a higher class than that for which he shall have paid his fare; or by continuing his journey in or upon any of the carriages of the Company beyond the place for which he shall have paid his fare, without previously paying the fare for the additional distance, and with intent to avoid payment thereof; or who shall knowingly and wilfully refuse or neglect, on arriving at the point to which he shall have paid his fare, to quit such carriage; or who shall, in any other manner whatever, attempt to evade the payment of his fare, shall be liable to a fine not exceeding fifty rupees for each offence.

Fine for entering carriage in motion.

Or riding on the steps.

IV. Any passenger, who shall get into or upon, or attempt to get into or upon, or shall quit or attempt to quit any carriage upon any such Railway, while such carriage is in motion; or who shall ride or attempt to ride upon any such Railway, on the steps, or any other part of a carriage, except on those parts which are intended for the accommodation of passengers, shall be liable to a fine not exceeding twenty rupees for each offence.

V. Any person other than the engine-man and fire-man, and assistant fire-man, if any, who, without the special licence of the Superintendent of Locomotives, shall ride or attempt to ride upon any locomotive engine or tender upon any such Railway; and any person other than the guard or breaksmen, who, without such licence as aforesaid, shall ride or attempt to ride upon such Railway, in or upon any luggage-van or goods-waggon, or other vehicle not appropriated to the carriage of passengers, shall be liable to a fine not exceeding twenty rupees for each offence.

Fine for riding on engine, tender, or luggage-van.

VI. If any person shall smoke, either on the premises, or in or upon any of the carriages belonging to any such Railway Company, except in places or carriages which may be especially provided for the purpose, he shall be liable to a fine not exceeding twenty rupees for each offence; and if any person persist in infringing this regulation after being warned to desist by any of the servants of the Company, such person, in addition to incurring the liability above-mentioned, may be removed by any of the servants of the Company from any such carriage, and from the premises of the Company, and shall forfeit his fare.

Smoking prohibited.

VII. Any person who shall be in a state of intoxication, or shall commit any nuisance or act of indecency in any Railway carriage, or upon any part of the premises of any such Railway Company, or who shall wilfully and without lawful excuse interfere with the comfort of any passenger on such Railway, shall be liable to a fine not exceeding twenty rupees; and in addition to such liability the offender may be removed by any of the servants of the Company from any such carriage, and also from the premises of the Company, and shall forfeit his fare.

Penalty for intoxication or nuisance.

VIII. If any special carriage, or portion of a carriage, or any private room or apartment, shall be provided by any such Railway Company for the exclusive use of females, any male person, who without lawful excuse shall enter such carriage, or portion of a carriage, or any such room or apartment, knowing the same to be exclusively appropriated as aforesaid, or shall remain therein after having been informed of its exclusive appropriation, shall be liable to a fine not exceeding one hundred rupees, and may be removed therefrom, and also from the premises of the Company, by any of the servants of the Company, and shall forfeit his fare.

Penalty for entering private room or carriage.

IX. No such Railway Company shall in any case be answerable for loss or injury to any passengers' luggage, unless it shall have been booked and separately paid for.

No liability for passengers' luggage.

X. No such Railway Company shall in any case be answerable for loss of or injury to any gold or silver, coined or uncoined, manufactured or unmanufactured, or any precious stones, jewellery, watches, clocks or time-pieces of any description, trinkets, Government securities, bills of exchange, promissory notes, Bank-notes, orders or other securities for payment of money, Government stamp paper, postage stamps, maps, writings, title-deeds, paintings, engravings, pictures, plated articles, glass, china, silks in a manufactured or unmanufactured state, and whether wrought up or not wrought up with other materials, shawls, lace, or any of them contained in any parcel or package which shall have been delivered to such Railway Company, either to be carried for hire or to accompany the person of any passenger, unless the value and nature of such articles shall have been declared by the person or persons sending or delivering the same, and an increased charge for the safe conveyance of the same shall have been accepted by some person specially authorized to enter into such engagements on behalf of the said Railway Company.

No liability for loss of gold, silver, &c., unless in the case of special engagement.

Public notice or private contract not to limit liability.

XI. The liability of such Railway Company for loss or injury to any articles or goods to be carried by them other than those specially provided for by this Act shall not be deemed or construed to be limited or in any wise affected by any public notice given, or any private contract made by them; but such Railway Company shall be answerable for such loss or injury when it shall have been caused by gross negligence or misconduct on the part of their agents or servants.

Remedy for non-payment of the carriage of goods.

XII. If any person shall fail to pay on demand any sum due to any such Railway Company for the conveyance of any goods, it shall be lawful for the Company to detain all or any part of such goods, or, if the same shall have been removed from the premises of the Company, any other goods of such person which shall then be on their premises, or shall thereafter come into their possession; and also to sell by public auction sufficient of such goods to realize the sum payable as aforesaid, and all charges and expenses of such detention and sale, and out of the proceeds of the sale, to retain the sum so payable, together with the charges and expenses aforesaid, rendering the overplus, if any, of the money arising by such sale, and such of the goods as shall remain unsold, to the person entitled thereto; or the Company may recover any such sum by action at law.

Written account of goods to be given on demand.

XIII. The owner or person having the care of any goods which shall have been carried upon any such Railway, or shall be brought on to the premises of any such Railway Company for the purpose of being carried on their Railway, shall, on demand by any servant of the Company appointed to receive goods to be carried on that part of the Railway on which such goods shall have been carried, or shall be about to be carried, deliver to such servant an exact account in writing signed by him of the number or quantity and description of such goods.

Penalty for false account.

XIV. If any such owner or person as aforesaid shall wilfully fail to give such account to such servant of the Company, or if he shall wilfully give a false account thereof, he shall, for every such offence, be liable to a fine not exceeding fifty rupees for every ton of goods, or for any parcel exceeding one hundred weight; and to a fine not exceeding twenty rupees for any quantity of goods less than a ton or for any parcel less than one hundred weight.

Carriage of goods of a dangerous nature.

XV. No person shall carry upon any such Railway any dangerous goods, or be entitled to require any such Railway Company to carry upon such Railway any luggage or goods which, in the judgment of the Company or any of their servants, shall be of a dangerous nature; and if any person shall carry upon such Railway any dangerous goods, or shall deliver to such Railway Company any such goods for the purpose of being carried upon such Railway, without distinctly marking their nature on the outside of the package containing the same, or otherwise giving notice in writing of the nature thereof to the book-keeper or other servant of the Company to whom the same shall be delivered for the purpose of being so carried, he shall be liable to a fine not exceeding two hundred rupees for every such offence; and it shall be lawful for any such Company or any of their servants to refuse to carry any luggage or parcel that they may suspect to contain goods of a dangerous nature, and to require the same to be opened to ascertain the fact previously to carrying the same; and in case any such luggage or parcel shall be received by the Company for the purpose of being carried on the Railway, it shall be lawful for the Company or any of their servants to stop the transit thereof, until they shall be satisfied as to the nature of the contents of the baggage or parcel.

XVI. Any person who shall wilfully obstruct or impede any officer or servant of the Company in the discharge of his duty on such Railway, or any of the works, stations, or premises connected therewith, shall be liable to a fine not exceeding fifty rupees.

Penalty for obstructing servant in his duty.

XVII. Any person who shall trespass upon any such Railway, or upon any of the lands, stations, or other premises belonging to the Company, shall be liable to a fine not exceeding twenty rupees; and if any such person shall refuse to leave such Railway or premises on being requested to do so by any officer or servant of the Company, or by any other person on behalf of the Company, he shall be liable to a fine not exceeding fifty rupees, and may be immediately removed from such Railway or premises by such officer, servant, or other person as aforesaid.

Penalty for trespass.

XVIII. Any person who shall wilfully ride, lead, or drive upon or across any such Railway, any animal, except in directly crossing the said Railway at any road or place appointed for that purpose, at a time at which he shall be lawfully authorized so to do, shall be liable to a fine not exceeding fifty rupees for each offence.

Penalty for driving an animal upon or across Railway.

XIX. If the Railway cross any public carriage road on a level, the Railway Company shall erect, and at al ltimes maintain good and efficient gates, either across the Railway or across the road on each side of the Railway, where the same shall communicate with the road, and shall employ proper persons to open and shut such gates; if such gates be across the road, they shall be kept constantly closed, except during the time when horses, cattle, carts, or carriages passing along the same shall have to cross the Railway, and the gates shall be of such dimensions and so constructed as when closed to fence in the Railway, and prevent cattle or horses passing along the road from entering upon the Railway. If the gates be across the Railway they shall be kept closed, except when engines or carriages passing along the Railway shall have occasion to cross the road, and shall be of such dimensions and so constructed as when open to fence in the Railway, and prevent cattle, carriages, or passengers from entering upon the Railway. Provided that it shall be lawful for the local Government in any case to order that the gates shall be across the road or across the Railway as the Government may think fit, and in such case the gates shall be erected, maintained, and closed accordingly. If any Railway Company shall wilfully fail to comply with the provision of this Section, they shall forfeit a sum not exceeding two hundred rupees for each offence, and any Magistrate or Justice of the Peace may, in case any such gates be not erected or maintained, order the Company to erect and maintain the same within a time to be specified in the order, and in case of wilful failure on the part of the Railway Company to comply with such order, they shall be liable to a fine not exceeding two hundred rupees for every day that they shall wilfully fail so to do.

Precaution if Railway crosses road.

Proviso.

Penalty.

XX. Every such Railway Company shall be bound to erect and maintain good and sufficient fences on each side of their Railway; or, failing therein, shall be liable to a fine not exceeding fifty rupees for every offence; and it shall be lawful for a Magistrate or Justice of the Peace to order the Company to erect or repair any such fence within a time to be specified in the order, and upon failure of the Company to comply with such order, they shall be liable to a fine not exceeding fifty rupees for every day that they fail so to do.

Railway to be fenced. Penalty for not fencing.

XXI. The owner of any animal which shall trespass or stray upon any such Railway, or upon any lands belonging to such Railway Company, except for want of the erection or maintenance of any fence or gate which the Company is bound to erect and

Liability of owner of animal trespassing.

maintain, shall be liable to a fine not exceeding ten rupees for each animal; and it shall be lawful for the Company, or any of their servants, to take or drive every animal which shall be found so trespassing to the nearest Police Station, there to be detained until the highest amount of fine incurred by such trespass and the expense of feeding and keeping the animal be paid, or until a Magistrate shall otherwise order. A Magistrate may, upon proof of the trespass, cause such animal to be sold by public auction, and the proceeds of the sale, after deducting therefrom such fine or such a sum, not exceeding ten rupees for each animal, as the Magistrate shall award to be paid in lieu of the fine to which the owner is hereby made liable, and such further sum as the Magistrate shall order to be paid for the expenses of detaining, feeding, and selling such animal, shall be returned to the owner of the animal on demand.

Penalty for injury to carriage, &c.

XXII. Any person who shall unlawfully and wilfully remove or deface the number plates, or remove or extinguish any lamp on any carriage belonging to any such Railway Company; or shall wilfully or negligently damage or injure any carriage, engine, waggon, truck, ware-house, building, machine, fence, or any other matter or thing belonging to such Railway Company, shall be liable to a fine not exceeding fifty rupees.

Penalty for opening or not properly shutting gates.

XXIII. If any person for whose use or accommodation any gate shall have been set up by any such Railway Company on either side of such Railway, or any other person, shall open such gate, or pass or attempt to pass, or drive or attempt to drive, any carriage, cattle or other animal or thing across the said Railway at a time when any engine or train approaching along the same shall be in sight; or shall at any time omit to shut and fasten such gate, as soon as he and any carriage, cattle, or other animal or thing under his charge shall have passed through the same, he shall be liable to a fine not exceeding fifty rupees.

Offender may be apprehended.

XXIV. If any person shall commit any offence hereby made punishable by fine, and the name and address of such person shall be unknown, or there be reason to believe that the offender will abscond, any officer or servant of the Company, or any Police officer, or other person whom such officer or servant may call to his aid, may, without any warrant or written authority, lawfully apprehend and detain such offender until he can be taken before a Magistrate or other officer having jurisdiction over the offence, or shall give sufficient security for his appearance before such Magistrate or other officer, or shall be otherwise discharged by due course of law.

Penalty for wilful act or omission endangering a passenger.

XXV. Whoever shall wilfully do any act, or shall wilfully omit to do what he is legally bound to do, intending by such act or omission to cause, or knowing that he is thereby likely to cause the safety of any person travelling or being upon any such Railway to be endangered, shall be liable to be transported beyond sea for the term of his life, or to be imprisoned, with or without hard labour, for any term not exceeding seven years.

Penalty for wilful act or omission in a Railway officer.

XXVI. If any officer or servant of such Railway Company shall wilfully do any act which he is legally prohibited from doing, or shall wilfully or negligently omit to do what he is legally bound to do, and if, in consequence of such act or omission, the safety of any person travelling or being upon such Railway shall be endangered, such officer or servant shall be liable to be imprisoned, with or without hard labour, for any term not exceeding three years, or to fine, or to both.

Penalty for drunkenness or breach of duty by Railway officer.

XXVII. Any officer or servant of such Railway Company, who shall be in a state of intoxication whilst actually employed upon the Railway, or any of the works connected therewith, in the discharge of any duty, and any officer or servant of such Company, who

negligently shall omit to perform his duty, or shall perform the same in an improper manner, shall be liable to a fine not exceeding fifty rupees; and if the duty in any of the cases in this Section above-mentioned be such, that the omission or negligent performance thereof would be likely to endanger the safety of any person travelling or being upon such Railway, such officer or servant shall, on conviction before a Magistrate, be liable to imprisonment, with or without hard labour, for a term not exceeding one year, or to fine, or to both.

Penalty for an act not wilful.

XXVIII. If any person shall rashly or negligently, and without lawful excuse, do any act which shall be likely to endanger the safety of any person travelling or being upon such Railway, he shall, upon conviction before a Magistrate, be liable to imprisonment, with or without hard labour, for a term not exceeding one year, or to fine, or to both.

Rule of Construction of this Act.

XXIX. In the construction of this Act, every officer and servant of such Railway Company shall be deemed to be legally bound to do every thing necessary for, or conducive to the safety of the public, which he shall be required to do by any Regulation which shall be made by the Company, and allowed by the Governor General of India in Council, and of which Regulation such officer or servant shall have notice; and every such officer and servant shall be deemed to be legally prohibited from doing every act which shall be likely to cause danger, and which by any such Regulation he shall be prohibited from doing; and every person employed by or on behalf of such Railway Company to do any act upon the Railway, shall be deemed to be a servant of the Company.

Jurisdiction of Magistrate, &c. to fine.

XXX. Any person, whether a European British subject or not, who shall be guilty of any offence, for which, according to the provisions of this Act, he shall be liable to a fine only, shall be punishable for such offence by any Justice of the Peace for any of the Presidency Towns of Calcutta, Madras and Bombay, Magistrate, Joint Magistrate, or person lawfully exercising the powers of a Magistrate, whether the offence shall have been committed within the local limits of the jurisdiction of such officer or not, and any person hereby made punishable by a Justice of the Peace, shall be punishable upon summary conviction.

Conviction to be quashed on merits only—form of conviction, &c.

XXXI. No conviction, order, or judgment of any Justice of the Peace shall be quashed for error of form or procedure, but only on the merits; and it shall not be necessary to state on the face of the conviction, order, or judgment, the evidence on which it proceeds; but the depositions taken, or a copy of them, shall be returned with the conviction, order, or judgment, in obedience to any writ of *certiorari*, and if no jurisdiction appears on the face of the conviction, order, or judgment, but the depositions taken supply that defect, the conviction, order, or judgment shall be aided by what so appears in such deposition.

Magistrate may refer case to his Assistant or Deputy.

XXXII. A Magistrate may refer for trial and decision any charge of an offence hereby made punishable by fine only to any of his Assistants, or to any Deputy Magistrate lawfully appointed to exercise the powers of a Covenanted Assistant, and in such case every such Assistant or Deputy Magistrate may exercise all the powers vested in a Magistrate, subject to all the rules applicable to criminal cases deputed to such Assistants or Deputy Magistrate, acting judicially.

Local Government may authorize Assistant, &c.

XXXIII. The local Government may give general authority to any such Assistant or Deputy Magistrate to exercise, without reference by a Magistrate, any of the powers which they are hereby rendered competent to exercise upon reference by a Magistrate, subject

to appeal to the Magistrate from any conviction by such Assistant or Deputy Magistrate within one month from the date of conviction. Provided that a Magistrate may at any time call from any of his Assistants, or from any Deputy Magistrate subordinate to him, any case pending before such Assistant or Deputy Magistrate.

Proviso.

XXXIV. All fines imposed under the authority of this Act for offences punishable by fine only by any Justice of the Peace, Magistrate, Joint Magistrate, or person lawfully exercising the powers of a Magistrate, or by any Assistant to a Magistrate, or Deputy Magistrate, may, in case of non-payment thereof, be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand of any of the above-named officers; and in case any such fine shall not be forthwith paid, any such officer may order the offender to be apprehended and detained in safe custody until the return can be conveniently made to such warrant of distress, unless the offender shall give security to the satisfaction of such officer for his appearance at such place and time as shall be appointed for the return of the warrant of distress, and such officer may take such security by way of recognizance or otherwise; and if upon the return of such warrant it shall appear that no sufficient distress can be had whereon to levy such fine, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such officer, by the confession of the offender or otherwise, that he has not sufficient goods and chattels whereupon such fine or sum of money could be levied if a warrant of distress were issued, any such officer may, by warrant under his hand, commit the offender to prison, there to be imprisoned only, or to be imprisoned and kept to hard labour, according to the discretion of such officer, for any term not exceeding two calendar months when the amount of the fine shall not exceed fifty rupees, and for any term not exceeding four calendar months when the amount shall not exceed one hundred rupees, and for any term not exceeding six calendar months in any other case, the commitment to be determinable in each of the cases aforesaid on payment of the amount.

Fines how to be recovered.

XXXV. The heads of district police and ameens of police in the Presidency of Madras, and district or joint police officers in the Presidency of Bombay, may punish, to the extent of the powers conferred upon them respectively in petty offences, any offence hereby made punishable by fine not exceeding twenty rupees.

Jurisdiction in the Madras and Bombay Presidencies.

XXXVI. Payment of any fare to which any passenger not producing or delivering up his ticket shall be liable under Section I. of this Act, may be enforced in the same manner as any fine imposed by this Act.

Enforcing payment of fare by passenger not producing ticket.

XXXVII. Every person who shall be guilty of any offence mentioned in Sections XXV., XXVI., XXVII. and XXVIII. of this Act, may be lawfully apprehended without any warrant or written authority, by any servant or officer of the Company, or by any other person whom such officer or servant shall call to his aid, or by any police officer of such grade, as shall by any law in force for the time being be entrusted in any case with the power of arrest without a warrant; and every person so apprehended shall, with all convenient despatch, be carried and conveyed before a Magistrate or Justice of the Peace, or other officer lawfully authorized to punish the offender or to commit him for trial.

Apprehension of offenders.

XXXVIII. In the construction of this Act, unless where a contrary intention appears from the context, the word "Magistrate" shall include a Joint Magistrate, and any person lawfully exercising the powers of a Magistrate; words in the singular number shall include the plural; words

Construction.

in the plural shall include the singular; and words in the masculine gender shall include the feminine; and the word "fine" shall include a sum of money due upon a forfeited recognizance.

Acts repealed.

XXXIX. Acts No. III. of 1853 and No. XII. of 1853, are hereby repealed, except as to acts done, offences committed, and liabilities incurred before the passing of this Act.

All Indian Railways to be within the Act.

XL. Every Railway within the said territories, used for the public conveyance of passengers or goods, shall, until the contrary be proved, be presumed to be a Railway within the meaning of this Act, and every Company to whom any such Railway shall belong, shall, until the contrary be proved, be presumed to be a Railway Company within the meaning of this Act.

Penalty for omitting to report accident.

XLI. Every such Railway Company shall, within forty-eight hours after the occurrence upon the Railway belonging to such Company of any accident attended with serious personal injury, give notice thereof to the local Government; and if any such Company omit to give such notice, they shall forfeit the sum of fifty rupees for every day during which the omission to give the same shall continue.

Local Government may require a return of accidents.

XLII. The local Government may order and direct any such Railway Company to make up and deliver to them a return of serious accidents occurring in the course of the public traffic upon the Railway belonging to such Company, whether attended with personal injury or not, in such form and manner as the Government shall deem necessary and require for their information, with a view to the public safety; and if any such returns shall not be so delivered within fourteen days after the same shall have been required, every such Company shall forfeit the sum of fifty rupees for every day during which the said Company shall neglect to deliver the same.

Penalty.

Copy and translation of Acts to be shown at Railway Stations.

XLIII. A copy of this Act, and of the General Regulations, Time Tables, and Tariff of charges, which shall from time to time be published by any Railway Company, with the sanction of the local Government, shall be exhibited in some conspicuous place at each Station of every Railway, so that they may be easily seen and read; and all such documents shall be so exhibited in English and in the vernacular language of the district in which the Station is situate, and in such other language, if any, as shall be required by order of the local Government.

The 12th August 1854.

ACT No. XIX. OF 1854.

An Act for removing the prohibition against the importation of Foreign Sugar.

Preamble.

WHEREAS by the provisions of a Statute passed in the 12th year of the reign of Her present Majesty, the duties to be levied on the importation of Sugar from different places into the United Kingdom, have been equalized; It is enacted as follows:—

Repeal of Acts prohibiting the importation of Sugar into Bengal, Madras, and the North Western Provinces.

I. Acts XXXII. of 1836, XV. of 1839, XI. of 1842, and so much of Act XIV. of 1843 as prohibits the importation of Sugar into any part of the North Western Provinces of the Presidency of Bengal, are hereby repealed.

The 26th August 1854.

ACT No. XXI. OF 1854.

An Act to amend the Law relating to the several Banks of Bengal, Madras, and Bombay.

Preamble.

FOR the purpose of removing doubts, and of extending the powers of the chartered Banks of Bengal, Madras and Bombay; It is enacted as follows:—

Secretary, &c. empowered to draw and endorse Bills, &c., and to sign documents for the Banks.

I. The persons for the time being holding the Offices of Secretary and Treasurer or of Secretary alone or of Deputy Secretary of the Bank of Bengal, of the Bank of Madras, or of the Bank of Bombay, are hereby severally empowered, for and on behalf of the Bank under which they hold either of such offices, to endorse and transfer Government Securities standing in the name of the Bank, to draw, accept and endorse Bills of Exchange, Promissory Notes, and Bank Post Bills connected with the current and ordinary business of the Bank, and to sign all other documents connected with such business.

Banks may lend money on shares of guaranteed Railway Companies.

II.—It shall be lawful for any of the said Banks to lend money on the security of shares in such of the incorporated Indian Railway Companies as hold a guarantee from the East India Company with regard to interest: provided that no such loan shall in any case exceed in amount three-fourths of the paid-up value of the shares, on the security of which the loan is made, and in every case such shares shall be transferred to the Bank by which the loan is made either absolutely, or by way of mortgage.

Proviso.

The 26th August 1854.

ACT No. XXII. OF 1854.

An Act to repeal certain parts of the 53 *George* 3, *c.* 155, *of Section II., Regulation XV. of* 1806 *of the Bengal Code, and of Regulation IV. of* 1809 *of the Madras Code.*

Preamble.

WHEREAS by Letters Patent, dated the 1st day of March 1851, all amerciaments, fines, forfeitures, and penalties belonging to the Crown, were granted to the East India Company, and it is no longer necessary, that fines realized by Magistrates, under the provisions of the Statute 53, George 3, c. 155, s. 105, should be remitted to the Clerk of the Crown; and whereas also it is no longer necessary that in all cases in which European British Subjects are

concerned, the Magistrates should report their proceedings to the Government; It is enacted as follows:—

Repeals certain parts of Statute 53, George 3, c. 155, s. 105, of Section II. of Regulation XV. of 1806 of the Bengal Code, and of Regulation IV. of 1809 of the Madras Code.

So much of the Act of Parliament 53, George 3, c. 155, s. 105, as requires that in all cases of conviction of a British Subject under the provisions contained in that Section, the Magistrate, before whom such conviction takes place, shall forthwith transmit copies of such conviction, and of all depositions and other proceedings relative thereto, to the Government to which the place where the offence was committed is subordinate; and so much of the same Section of the above-mentioned Act as prescribes that any part of any fines shall be transmitted by the Magistrate to the Clerk of the Crown or other officer to whom it belongs to receive fines in any of Her Majesty's Courts of Oyer and Terminer and Jail Delivery, and that such fines shall be disposed of in the same manner as other fines imposed by such Courts; and so much of Section II. Regulation XV. of 1806 of the Bengal Code and of Section II. Regulation IV. of 1809 of the Madras Code as requires the Magistrate by whom any European British Subject is held to bail or committed to take his trial before Her Majesty's Supreme Court at Calcutta to transmit copies of the original depositions together with translations of any papers not being in the English language to the Secretary to Government, are hereby repealed.

The 23rd September 1854.

ACT No. XXV. OF 1854.

An Act for discontinuing the practice of issuing Warrants for the payment of money from the Treasuries of the Collectors.

Preamble.

WHEREAS the issue of Warrants for the payment of money from the Treasuries of the Collectors is unnecessary; It is enacted as follows:—

Section 12 Regulation II. of 1793, Section 12 Regulation V. of 1795, Section 11 Regulation XXV. of 1803, and part of Section 18 Regulation VIII. of 1805 of the Bengal Code, repealed.

Section XII. Regulation II. of 1793, Section XII. Regulation V. of 1795, Section XI. Regulation XXV. of 1803, and so much of Section XVIII. Regulation VIII. of 1805, of the Bengal Code, as extends Section XI. Regulation XXV. of 1803, to the Provinces and Territories specified in Section III. of that Regulation, are hereby repealed. Provided, however, that no money shall be paid away from any such Treasury, except under the written order of the Collector or other officer in charge of the Treasury.

Proviso.

The 4th November 1854.

ACT No. XXVI. OF 1854.

An Act for making better provision for the Education of Male Minors subject to the superintendence of the Court of Wards.

Preamble.

WHEREAS the existing laws are found insufficient to ensure the proper education of male minors subject to the superintendence of the Court of Wards, and it is expedient to make further and better provision for the education of such persons; It is enacted as follows:—

I. The general superintendence and control of the education of every male minor, whose property has been, or shall be brought under the management of the Court of Wards, in and for any part of the Presidency of Fort William, by virtue of any Act or Regulation, which now is, or hereafter shall be in force, is hereby vested in the Collector of Revenue, acting under the said Court of Wards, in the zillah or district wherein such minor's estate is situate; or, if such minor is possessed of immovable property in different districts, in such one of the Collectors of Revenue of such districts as the said Court of Wards shall select.

General control and superintendence of the education of male minor wards vested in Collectors of Revenue.

II. It shall be lawful for every Collector of Revenue, in whom the superintendence of the education of any minor is vested by this Act, to direct that such minor shall reside, either with or without his guardian, at the sudder station of the district, or at any other place within the said Presidency, and shall attend, for the purposes of education, such school or college as to the said Collector may seem expedient; and to make such provision as may be necessary for the proper care and suitable maintenance of the said minor whilst attending such school or college.

Collectors to have power to cause male minor wards to be educated at any school or college.

III. If it shall appear to the Collector inexpedient to place any such minor at a school or college, he shall, if the proceeds of the estate are sufficient for that purpose, cause such minor to be educated by a private tutor, properly qualified, either at the family residence of such minor, or at the sudder station or elsewhere within the said Presidency; and in that case also the Collector shall have power to determine from time to time the place of residence of such minor, and to make such provision as may be necessary for his proper tuition and maintenance during the period of his education.

Or in certain cases to cause such wards to be educated privately.

IV. All charges and expenses which may be incurred on account of any male minor ward under the provisions of this Act, for college or school fees, or for other charges of tuition or education, or by reason of his residence in any place other than his own home or otherwise, shall be defrayed from the profits of his estate in the same manner as other expenses incurred under the authority, or with the sanction of the Court of Wards.

Charges and expenses incurred under this Act to be paid out of the profits of the ward's estate.

V. It shall be lawful for the Court of Wards, on the application of a Collector, to remove from office any guardian who shall neglect or refuse to obey, or shall evade compliance with any orders passed, or directions given by such Collector under the provisions of this Act, and to cause a new guardian to be appointed in his place, whether the person so removed shall have been first invested with the guardianship of the minor upon the nomination of a Collector acting under the Court of Wards, or by a testamentary appointment confirmed by the Court of Wards; and if in any such case the guardian to be removed shall be also the manager of the minor's estate, it shall be lawful for the Court of Wards, at its discretion, either to remove him from both the said offices, or to continue him in that of manager only.

Court of Wards to have power to remove guardians for disobedience to orders passed by a Collector under this Act.

VI. The guardian so removed shall, notwithstanding his removal, continue liable to account to the Collector for his receipts and disbursements during the period of his guardianship; and every guardian appointed in the place of a guardian so removed shall be chosen in the same way, and shall have the same rights and powers, and be subject to the same responsibilities as persons originally appointed to be guardians of minors by a Collector of Revenue acting under the Court of Wards.

Continued liability of guardian removed: powers and responsibilities of new guardian.

VII. The right to the custody of the person of any male minor, whose property is under the management of the Court of Wards, is hereby vested in the person appointed with the sanction of the Court of Wards, either originally, or upon the removal of a former guardian, to be the guardian of such minor, or in the absence of any such person, in the Collector of Revenue having the superintendence of the education of such minor under the provisions of this Act.

The right to the custody of the person of a male minor to be vested in guardian appointed by the Court of Wards, or, failing him, in the Collector.

VIII. All orders and proceedings of a Collector under the provisions of this Act, shall be subject to the revision of the Court of Wards, and every person aggrieved by any such order or proceeding, may prefer an appeal therefrom to the Commissioner of Revenue acting as a Court of Wards in and for the division to which such Collector belongs.

Appeal from the orders of a Collector to lie to Commissioner of Revenue acting as a Court of Wards.

The 11*th November* 1854.

ACT No. XXIX. OF 1854.

An Act to prohibit the exportation of Saltpetre to certain Ports in Europe.

WHEREAS it is expedient that the exportation of Saltpetre to any port on the Continent of Europe, North of Dunkirk, should be prohibited during the continuance of hostilities between the Allied Powers and the Emperor of Russia; It is enacted as follows:—

Preamble.

I. It shall not be lawful, until the Governor General of India in Council shall otherwise order, to export Saltpetre from any part of the Territories in the possession and under the Government of the East India Company, to any port on the Continent of Europe North of Dunkirk.

Export of Saltpetre from India to any European Port North of Dunkirk prohibited

II. If any person attempt to export Saltpetre contrary to the provisions of this Act, the same shall be seized and confiscated.

Penalty.

The 18*th November* 1854.

ACT No. XXXIII. OF 1854.

An Act to extend the provisions of Act No. XII. of 1843.

WHEREAS it is expedient that every decision, sentence, or final order, made or passed by any Officer of the East India Company acting judicially, together with the reasons for the same, should be written in the Vernacular language of the Officer by whom the same is made or passed, and should be signed by him at the time of pronouncing such decision, sentence, or order; It is enacted as follows:—

Preamble.

I. Every decision, sentence, or final order, which shall hereafter be made or passed by any Officer of the East India Company acting judicially, together with the reasons for making or passing the same, shall be written in the Vernacular language of such Officer, and shall be dated and signed by such Officer in Court

Decisions to be written in the Vernacular language of the Judge, and to be signed by him and filed.

at the time of his making or passing the same, and the original shall be filed with the record or proceedings in the case, and a translation thereof, where the original is recorded in a different language to that in ordinary use in proceedings before such Officer, shall be incorporated in the decree, or record of the decision, sentence, or order.

Translation when to be recorded

II. Whenever, in any suit before any Officer of the East India Company acting judicially, the points to be established by the parties respectively, or on which proof is required by the Court, are directed by law to be recorded, the points shall be written in the Vernacular language of such Officer, and the writing shall be dated and signed by him in Court at the time of his announcing the points to the parties; and if the Vernacular language of such Officer be different from the language in ordinary use in proceedings before the Court, a translation shall be incorporated in the record.

Points to be established shall be written in the Vernacular language of the Judge, and signed by him in Court.

Translation when to be recorded.

III. Nothing in this Act, or in Act No. XII. of 1843, shall be so construed as to require Officers of the East India Company acting judicially to write their decisions, sentences, injunctions, or orders, or to record the point or points to be established by the parties respectively under the last preceding Section in open Court.

Decisions not required to be written in open Court.

IV. No appeal shall lie from any decision, sentence, injunction, or order, nor shall the same be reversed or remanded upon the ground of non-compliance with the provisions of this Act, or of Act No. XII. of 1843. But the Appellate Court may, by precept, require the Officer of the Lower Court to comply with the provisions of this Act, or of Act No. XII. of 1843, and to certify his reasons for any such decision, sentence, or order to the Appellate Court; and any such Appellate Court may, if it deem it necessary for the ends of justice, postpone its final decision in the appeal until such precept shall have been returned.

No appeal for non-compliance with this Act, or Act No. XII. of 1843.

Appellate Court by precept, may require compliance.

V. Nothing in this Act contained shall be deemed to repeal any of the provisions of Act No. XII. of 1843.

Saving of provisions of Act No. XII. of 1843.

The 23rd December 1854.

ACT No. XXXIV. OF 1854.

An Act for regulating the establishment and management of Electric Telegraphs in India.

WHEREAS it is expedient that provision should be made for regulating the establishment and management of lines of Electric Telegraph in India; It is enacted as follows:—

Preamble.

1. Within the territories in the possession and under the Government of the East India Company, the said East India Company shall have the exclusive privilege of establishing lines of Electric Telegraph. Provided that the Governor General of India in Council may grant a license to any person or Company to establish

The E. I. Company to have the exclusive privilege of establishing Electric Telegraphs.

a line of Electric Telegraph within any part of such territories, which license shall be revocable on the breach of any of the conditions therein contained.

Proviso.

II. Whoever shall, otherwise than under a license duly granted as aforesaid, establish, or after revocation of such license maintain, a line of Electric Telegraph within the said territories, shall be liable to a fine not exceeding one thousand rupees, and for every week during which such line shall be maintained, shall be liable to a further fine not exceeding five hundred rupees.

Penalties for establishing or maintaining unauthorized Electric Telegraphs.

III. Whoever shall use a line of Electric Telegraph, knowing or having reason to believe that it is an unlicensed line, for the purpose of sending or receiving messages, or shall perform any service incidental thereto, shall, for every such offence, be liable to a fine not exceeding fifty rupees.

Penalty for using or working such Telegraphs.

IV. The Governor General of India in Council may, on the occurrence of any public emergency, take temporary possession of any line of Electric Telegraph established under license within the said territories.

Government may take possession of Telegraphs established by license.

V. Any Railway Company, on being required so to do by the Governor General of India in Council, shall permit the Government to establish upon the land of such Company adjoining the line of Railway a line of Electric Telegraph, and shall give every reasonable facility for establishing and using the same.

Government may establish Telegraph on land of Railway Company.

VI. The Governor General of India in Council may from time to time frame rules for the conduct of Electric Telegraphs established by Government not inconsistent with this Act, and therein prescribe the regulations, conditions, and restrictions according to which all messages and signals shall be transmitted.

Governor General in Council to frame rules for the conduct of Government Telegraphs.

VII. The Government shall not be responsible for any loss or damage which may occur in consequence of any person employed by the Government in the Electric Telegraph Department failing to transmit with accuracy any message entrusted to him for transmission; and no such person shall be responsible for any such loss or damage, unless he shall cause the same negligently, maliciously, or fraudulently.

Government not responsible for loss or damage.

VIII.—Whoever shall, without permission, enter into a Government Telegraph Office, or shall refuse to quit the same, on being requested to do so by any officer or servant employed therein, or shall wilfully obstruct or impede any such officer or servant in the performance of his duty, shall be liable to a fine not exceeding one hundred rupees.

No person to intrude into a Telegraph Office.

IX. Whoever shall wilfully cause, or attempt to cause, any interruption to the transmission of signals along a line of Electric Telegraph established by the Government, by cutting or injuring the wire, or by injuring any portion of the line, or any instrument or apparatus, or by any other means, shall be liable to be imprisoned, with or without hard labor, for a term not exceeding two years, or to fine, or to both.

Penalties for cutting the line.

X. Whoever shall wilfully or negligently damage or injure any post or any portion of the line of such Electric Telegraph, shall be liable to a fine not exceeding fifty rupees.

Injuring posts, &c.

XI. Whoever, being in the employ of the Government in the Electric Telegraph Department, shall fraudulently or maliciously secrete, make away with, alter, or omit to transmit any message which he may have received for transmission, or shall fraudulently or maliciously disclose any message so received by him, and

Penalties for fraudulently omitting to transmit messages, or for disclosing secret messages.

directed to be kept secret, shall be liable to be imprisoned, with or without hard labour, for a term not exceeding two years, or to fine, or to both.

Penalty for misconduct.

XII. Whoever being in such employ shall be guilty of any act of drunkenness, carelessness, or other misconduct, whereby the transmission or delivery of any message shall be endangered, or who shall loiter or make delay in the transmission or delivery of any message, shall be liable to a fine not exceeding one hundred rupees.

Penalties for sending messages without payment to Government.

XIII. Whoever being in such employ shall transmit by the Electric Telegraph any message upon which the prescribed charge has not been paid, intending thereby to defraud the Government, shall be liable to be imprisoned, with or without hard labor, for a term not exceeding two years, or to fine, or to both.

Penalties for transmission of fabricated messages.

XIV. Whoever shall fraudulently or maliciously transmit or cause to be transmitted by an Electric Telegraph established by Government a message which he knows to be false or fabricated, shall be liable to be imprisoned, with or without hard labor, for a term not exceeding two years, or to fine, or both.

Persons other than European British subjects liable to be punished.

XV. Any person not being a European British subject, who shall, beyond the local limits of the jurisdiction of Her Majesty's Supreme Court of Judicature, commit any of the offences mentioned in Sections IX., XI., XIII. and XIV. of this Act, shall be punishable upon conviction by any Magistrate within whose jurisdiction the offence shall be committed.

Fines how to be recovered.

XVI. Any person, whether a European British subject or not, who shall be guilty of any offence for which, according to the provisions of this Act, he shall be liable to a fine only, shall be punishable for such offence by any Justice of the Peace for any of the Presidency Towns of Calcutta, Madras, and Bombay, or for any of the Settlements of Prince of Wales's Island, Singapore, and Malacca, Magistrate, Joint Magistrate, or person lawfully exercising the powers of Magistrate, within whose jurisdiction the offence shall be committed; and any person hereby made punishable by a Justice of the Peace, shall be punishable upon summary conviction.

Conviction to be quashed on merits only. Form of conviction, &c.

XVII. No conviction, order, or judgment of any Justice of the Peace, shall be quashed for error of form or procedure, but only on the merits; and it shall not be necessary to state on the face of the conviction, order, or judgment, the evidence on which it proceeds: but the depositions taken, or a copy of them, shall be returned with the conviction, order, or judgment, in obedience to any writ of *certiorari;* and if no jurisdiction appears on the face of the conviction, order, or judgment, but the depositions taken supply that defect, the conviction, order, or judgment, shall be aided by what so appears in such depositions.

Magistrate may refer charge to his Assistants.

XVIII. A Magistrate may refer for trial and decision any charge of an offence hereby made punishable by fine only, to any of his Assistants or to any Deputy Magistrate lawfully appointed to exercise the powers of a Covenanted Assistant; and in such case every such Assistant or Deputy Magistrate may exercise all the powers vested in a Magistrate, subject to all the rules applicable to criminal cases deputed to such Assistants or Magistrates acting judicially.

Government may authorize Assistant and Deputy Magistrates to exercise certain powers.

XIX. The local Government may give general authority to any such Assistant or Deputy Magistrate to exercise, without reference by a Magistrate, any of the powers which they are hereby rendered competent to exercise upon reference by a Magistrate, subject to appeal to the Magistrate from any conviction by such

Assistant or Deputy Magistrate, within one month from the date of the conviction. Provided that a Magistrate may at any time call from any of his Assistants, or from any Deputy Magistrate subordinate to him, any case pending before such Assistant or Deputy Magistrate.

Fines how levied.

XX. All fines imposed under the authority of this Act, for offences punishable by fine only, by any Justice of the Peace, Magistrate, Joint Magistrate, or person lawfully exercising the powers of a Magistrate, or by any Assistant to a Magistrate, or Deputy Magistrate, may, in case of non-payment thereof, be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand of any of the above-named Officers; and in case any such fine shall not be forthwith paid, any such Officer may order the offender to be apprehended and detained in safe custody until the return can be conveniently made to such warrant of distress, unless such party shall give security to the satisfaction of such Officer for his appearance at such place and time as shall be appointed for the return of the warrant of distress, and such Officer may take such security by way of recognizance or otherwise; and if, upon the return of such warrant, it shall appear that no sufficient distress can be had whereon to levy such fine, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such Officer, by the confession of the party or otherwise, that he has not sufficient goods and chattels whereupon such fine or sum of money could be levied if a warrant of distress were issued, any such Officer by warrant under his hand may commit the offender to prison, there to be imprisoned only, or to be imprisoned and kept to hard labor, according to the discretion of such Officer, for any term not exceeding two calendar months where the amount of the fine shall not exceed fifty rupees, and for any term not exceeding four calendar months where the amount shall not exceed one hundred rupees, and for any term not exceeding six calendar months in any other case; the commitment to be determinable in each of the cases aforesaid on payment of the amount.

Imprisonment, if no sufficient distress, &c.

Authority to punish Servants of the East India Company who commit offences against this Act in Foreign territory.

XXI. If any servant of the East India Company, employed in the Electric Telegraph Department within the dominions of any Foreign Prince or State in alliance with the said Company, in which an Electric Telegraph is established by the said Company, shall, within the dominions of such Prince or State, commit any act hereby prohibited, or omit to do any act hereby required to be done by any person similarly employed within the territories under the Government of the said Company, such servant of the said Company shall be guilty of an offence, and on conviction thereof shall be punished in the same manner as if such act had been done or omitted within the said last-mentioned territories; and every such person may be tried, convicted, and punished either by fine or otherwise, according to the nature of the offence, by any Court or Officer duly empowered by the Governor General of India in Council to take cognizance of offences committed in such dominions by servants of the East India Company, or by any Court or Magistrate, or other competent Officer in any part of the territories within the Government of the East India Company, in the same manner as if the offence had been committed in such part of the said territories.

Explanation of terms.

XXII. The word "Magistrate" in this Act shall include Joint Magistrates and persons lawfully exercising the powers of Magistrates; and the word "Fine" shall include a penalty or forfeiture.

Government to frame rules for Telegraphs established by license.

XXIII. It shall be lawful for the Governor General in Council to frame rules for the conduct of any Electric Telegraph established by license under this Act, and to declare from time to time what portions of this Act shall be applicable to such Telegraph, and to persons using the same, or employed in connexion therewith.

The 23rd December 1854.

ORDERS OF THE GOVERNMENT,

NORTH WESTERN PROVINCES,

For 1853-54.

Circular No. 111 A.—*To* Commissioners of Divisions.—*Judicial Department, Camp Benares, the 19th November,* 1853.

The Lieutenant-Governor is desirous of ascertaining the nature and amount of any funds which may exist in the large cities of your Division, and which, not being credited in the Government accounts, and not being derived from a chowkeedaree assessment, under Regulation XVII. of 1816, are obtained from such means as the rent of shops, gunges, or other miscellaneous sources.

2. You are requested to furnish, for His Honor's information, a classified statement of the receipts and expenditure on account of any such funds during the last five years, and to explain, whether any periodical statement of their expenditure, is submitted by the Magistrates for your information, and generally, whether they are under the sole control of the Magistrates, or are held subject to supervision from your office.

No. 213 A.—*To* Commissioners of Divisions.—*Judicial Department,—Lieutenant-Governor's Camp, the 7th December,* 1853.

In some quarters of your Division there may exist ancient structures of marked interest or beauty, which, by timely care, and at a moderate expense, may yet be protected from decay.

2. The Lieutenant-Governor desires me to request that you will direct the Magistrates, within whose jurisdiction they may be, to bring from time to time, to the early notice of the Government, any apparent necessity for the adoption of measures with a view to guard such strikingly tasteful or curious remains of antiquity from destruction.

3. There must of course be a limited selection of objects of this nature, as fit to be permanently saved from injury by time and neglect. You are requested to report to this office the names, sites and present condition of the buildings, of whatever character, to which you would suggest that the attention of the Magistrates should be given in the execution of this instruction.

No. 4789.—*To* Commissioners of Divisions.—*Judicial Department,—Lieutenant-Governor's Camp, the 23rd December,* 1853.

In continuation of my Circular Order No. 213 A., dated the 7th instant, I am directed by the Honorable the Lieutenant-Governor to forward, for your information, the accompanying copy of a letter from the Officiating Secretary to the Government of India, No. 1019, dated the 2nd instant, with its enclosures, respecting the repairs to be made to the arches and other relics of ancient architecture in the vicinity of the Kootub, at Dehlie.

(COPY.)—No. 1019.—*From* G. PLOWDEN, ESQ., *Officiating Secretary to the Government of India, to* SECRETARY TO GOVERNMENT, *N. W. Provinces.—Home Department,—Fort William, the 2nd December,* 1853.

I AM directed to forward, for the information of the Honorable the Lieutenant-Governor, the accompanying copy of a letter, this day addressed to the Military Board, respecting the repairs to be made to the arches and other relics of ancient architecture in the vicinity of the Kootub, at Dehlie.

No.——*From* G. PLOWDEN, ESQ., *Offg. Secretary to the Government of India, to* THE MILITARY BOARD.—*Home Department,—Council Chamber, the 2nd December,* 1853.

I AM directed to communicate to you, that it has given the Most Noble the Governor General in Council much pain to learn, by a private letter from His Excellency the Commander-in-Chief, whose camp has lately halted for some days at Dehlie, that the magnificent arches, and other relics of ancient architecture, in the immediate vicinity of the Kootub, are in such disrepair, that, if much longer neglected, there is every probability they will fall, and be lost to the world for ever.

2nd. It is, His Lordship in Council observes, a frequent reproach to the British Government in India, that it builds none of the stately edifices which the preceding Mogul Dynasty has left, as monuments of its power, magnificence, and taste. The reproach is not altogether a just one; but the Government of India, His Lordship in Council remarks, will become subject to a reproach, just and bitter indeed, if it shall suffer, through indifference, or an unwise parsimony, the noble relics which still exist of the genius and grandeur of past ages, to crumble and fall, without an effort to preserve them for the admiration of ages to come.

3rd. I am therefore directed to request, that your Board will send immediate instructions to the Executive Officer at Dehlie, to lose not a day in taking the necessary measures for making such repairs, and giving such supports to the arches, and other buildings at the Kootub, as are called for, in order to their proper preservation.

4th. In order that your Board may be in possession of the sentiments of Government on this subject, generally, I am directed to inform you, that, while financial difficulties, or modern works, urgently required at the time, may, of necessity, sometimes cause such ancient buildings to be neglected for a while, the Government sets the greatest store by the preservation of them, and is willing to sanction the expenditure which may be needed for upholding them.

5th. Your Board is requested to instruct the Officers of the Department of Public Works at Agra and Dehlie, and in other places where such remains may exist, to consider it to be a part of their duty to attend to them, if they are not otherwise cared for; and your Board will establish such checks, as may be necessary, to secure the due fulfilment of this duty.

6th. Your Board is further requested to call for, and submit, a report from the Executive Officers of Divisions, specifying the works which come under the description given above, and the probable annual cost of preserving them from further decay, so far as this is practicable.

No. 49 A.—*To* Commissioners of Revenue and Police.—*Head-Quarters, Judicial Department,—Agra, the* 11*th January*, 1854.

The Lieutenant-Governor has found reason to believe, that it is desirable to prescribe an uniformity of practice on the part of Commissioners in these Provinces, as to the manner of hearing appeals made to them by parties considering themselves aggrieved by the acts or orders of the Officers of Districts, whether in the Revenue or Police branches of their duties.

2nd. When appeals are received by Dâk, and no one is present at the station of a Commissioner, to attend at their hearing, they may, without objection, be taken up and disposed of as the Commissioner may find to be most convenient, with reference to the other business which demands his attention. But where parties, interested in an appeal, whether as Principals or Agents, are in attendance on the Commissioner, the Lieutenant-Governor would desire that the hearing be invariably held by him in his Public Office, with a sufficient previous notice of the day fixed by him for the purpose, so that those concerned may have full facility for appearing, and for making such statements as they may wish to offer in support of their applications. The order on their appeal should also be passed in their presence, and personally explained to them by the Commissioner.

3rd. You are requested accordingly to observe the procedure above indicated, as a standing rule of your office.

No. 89.—*Notification,—Agra, General Department,—the* 12*th January*, 1854.

The Commissioners of Revenue for the time being, are hereby appointed Ex-Officio Members of all Local Committees of Public Instruction in their respective Divisions.

No. 188.—*Notification,—Agra, Financial Department,—the* 23*rd January*, 1854.

The following Notification is re-published for general information:—

No. 2.—*Fort William, Financial Department,—the* 11*th January*, 1854.

Notice is hereby given that Proprietors of Promissory Notes of the Four per Cent. Loan of 1842-43, who may be *bonâ fide* resident in Europe, will be entitled, during the pleasure of the Hon'ble Court of Directors, to a remittance of their interest half-yearly, by bills to be drawn on the Hon'ble Court at twelve months' date, and at 1*s.* 10*d.* for the Company's Rupee.

No. 283.—*Notification,—Agra, Financial Department,—the* 1*st February*, 1854.

The following Notification, issued from the Financial Department of the Government of India, is re-published for general information:—

No. 3.—*Notification,—Financial Department,—Fort William, the* 28*th January*, 1854.

Notice is hereby given, that all the Notes of the Five per Cent. Loan, bearing date the 30th June 1841, which have not been already advertised for payment, and are still outstanding, will be discharged at the General Treasury in Calcutta, on the 29th of April next, on which day the Interest thereon will cease.

Proprietors of the Notes hereby advertised for payment are permitted, on or before the 29th of April next, to transfer the amount of their Promissory Notes into the Four per Cent. Loan of 1854-55.

Proprietors who may transfer their Promissory Notes into the Loan of 1854-55, through the Government Agent, shall not be subjected to the payment of the fees prescribed in the Rules of the Government Agency for transferring Notes from one Loan to another.

All Officers, authorized to receive subscriptions to Government Loans, are hereby required to receive applications in writing from individuals who may desire to transfer the amount of their Notes into the Four per Cent. Loan.

These applications, together with the Promissory Notes in reference to which they may have been received, shall, without fee or expense of any kind to the Proprietor, be transmitted to the Deputy Accountant General at Fort William, who will forthwith cause to be prepared and issued to the parties entitled thereto, Promissory Notes in the Four per Cent. Loan of 1854-55.

Prompt settlement of the Principal and Interest, at the rate of Five per Cent. per annum, to the date of advertised discharge, will be made with Proprietors who may tender their Notes for transfer into the New Loan: provided, however, that the Principal only will be transferred, and that the Interest at the rate of Five per Cent. up to the 29th of April inclusive, as well as anticipation Interest at the rate of Four per Cent. up to the 30th of June 1854, will be discharged in cash.

It is further notified that the Most Noble the Governor General in Council has, for the accommodation of Proprietors who are not in India, authorized the Deputy Accountant General to allow the conditional transfer of their Notes to the Four per Cent. Loan of 1854-55, on the applications of agents or friends, leaving it optional with the Proprietors to confirm the transfer, or to require payment in Cash: provided, however, that no notice, disallowing the transfer, will be received after six months from the present date.

No. 749.—*Notification,—Agra, Judicial Department,—the* 13*th February*, 1854.

The following extract from the Notification, dated 24th January, published by order of the Most Noble the Governor of Bengal, is re-published by order of the Hon'ble the Lieutenant-Governor, who has been pleased to direct that the provisions of the following Sections shall have force also in the North Western Provinces.

Section XXXVII.—Civil Servants, who are not qualified for the public service, but are permitted or ordered to reside in the interior, will be placed under the authority and orders of the Commissioner of the Division, or the Judge of the District, in which they severally reside, and are bound to obey all orders they receive from him. They are not permitted to quit the Station and its vicinity, without the sanction of the Government.

Section XLI.—In the interior, the choice of the Moonshee or Pundit will be subject to the approval of the Chief Civil Authority, and on the production of a like Certificate, the authorized allowance will be paid by the Collector of the District, and debited in his accounts to the Secretary to the Board of Examiners.

No. 430.—*Agra, General Department,—the* 18*th February*, 1854.

The accompanying Circular and Resolution, regarding the examination of Students who may be candidates for admission into the Public Service, are published for general information.

No. 265 OF 1854.—*To the* SECRETARIES OF LOCAL COMMITTEES OF PUBLIC INSTRUCTION.—*Agra, General Department,—the 28th January*, 1854.

I AM directed by the Hon'ble the Lieutenant-Governor to request that, as a means of bringing to the notice of the Officers of Government, the names of qualified Students, and thus increasing the chances of their obtaining employment, lists of all Students in your Institution, who have obtained Scholarships, which have been, or are soon likely to be, vacated by them, may be furnished annually to the several Commissioners, with a brief note of the qualifications and capacities of each Student.

2nd.—The Commissioners of Divisions will be requested to give the information thus communicated by you, publicity among the several Government Officers at the head of departments in their respective Divisions, with an intimation of the strong wish of the Lieutenant-Governor, that advantage should be taken of all suitable opportunities of securing, for the Public Service, the services of young men who have given special proof of capacity and application, during an extended course of Superior Collegiate instruction.

No. 429 A.—*Resolution.—General Department, N. W. P.,—the 18th February*, 1854.

READ again the Proceedings of this Government, dated 28th ultimo, No. 413.

Read a letter from the Secretary to the Committee of Public Instruction at Agra, No. 11, dated the 10th instant, suggesting that Candidates for employment in the Government service, among the Students of the Agra College, be examined on certain practical subjects, before their names are entered in the lists of qualified Students, to be circulated among Commissioners.

Ordered, that a copy of the communication from the Agra Committee, be forwarded for information to the Local Committees of Instruction at other stations, with a copy for their guidance, of the present Resolution, a copy of which shall also be sent to the Committee of Public Instruction at Agra.

1. The Lieutenant-Governor, highly approving the suggestions contained in the letter referred to, has been pleased to resolve that, on, or as soon as may be conveniently practicable after, the first day of September in every year, the Principal of each College shall communicate to the Commissioner of the Division in which the College is situated, the names of such Students as having gained, at the least, a Junior Scholarship for a second year, and being of good character and habits, and desirous, either from a probability of the early termination of their Scholarships, or otherwise, of being subjected to the examination below prescribed, with a view to their admission into the public service, are fit to be entered in the list required by the Circular of the 28th January.

2. The Commissioner, the Judge, and the Magistrate and Collector, or, in the absence of any of them, a third Officer at the station, to be selected by the Senior of the three Officers above-named, who may be present, shall form a Committee for the examination of such Students as are named under the above instruction by the Principal, on the following tests:—

First.—Ability to read with fluency the common *shikust* hand of the Persian character, used in the Government offices.

Second.—Ability to translate into correct and idiomatic Urdu, in a plain and readily intelligible style, a passage in English of ordinary difficulty, and of some length, on a subject of usual official business.

Third.—Ability to write in idiomatic and clear Urdu, any order on an ordinary topic of Criminal or Revenue Administration, of which the heads or outline may be communicated verbally in English.

Fourth.—Ability to write a correct and ready *shikusta* hand.

Fifth.—Ability to apply, with readiness and accuracy, the rules of Arithmetic, as far as Decimal Fractions, to ordinary calculations, both relating to money and to land.

3. The examination shall be held in the early part of October in each year.

4. All who may successfully pass the examination held by a Committee so constituted, shall then be entered in the list to be circulated to Commissioners.

5. A preference for vacant appointments shall be considered as attaching to those who may have held a Senior Scholarship for a year or longer.

6. Copies of the lists will be sent for information and record to the office of the Secretary to Government.

7. The several Commissioners shall furnish to Government Half-yearly Returns made up to the 1st January and the 1st July of each year, of the employments, varying from 25 to 50 Rupees or upwards per mensem, which may have been given to any Students thus passed and admitted into the lists of Candidates, so that the Government may be enabled, from time to time, to trace the degree to which the objects of the Circular of the 28th ultimo, and of this Resolution, may have been accomplished.

8. The several Committees of Public Instruction will also transmit copies of the lists of passed Candidates to the Register of the Sudder Dewany and Nizamut Adawlut, to the Secretary of the Sudder Board of Revenue, and to the Commissioner of Customs, who will similarly be requested to furnish Returns to the Government for their several offices, to the 1st January and the 1st July of each year, such as are indicated in the preceding paragraph for submission by the Commissioners of Divisions. The Sudder Court will circulate the lists received from the Committees of Public Instruction, to the different Civil and Sessions Judges under them, as will the Commissioner of Customs to his subordinate Officers. The Half-yearly Returns of the Court, and of the Commissioner, will be accompanied by a general return of employments given by the District Judges, or by the Heads of Customs Offices, to parties who have gained a place on the lists.

Resolved, that a copy of this Resolution be furnished to the several Departments and Controlling Officers above indicated, with instructions to the Commissioners of Divisions to organize the Committees of Examination annually, and carry out the other instructions which have reference to them.

Resolved, also, that a copy of the Circular No. 265, of the 28th ultimo, and of this Resolution, be published in the *Government Gazette.*

No. 1273.

THE Honorable the Lieutenant-Governor is pleased to publish, for general information, the following Circular issued to the Commissioners of Divisions :—

CIRCULAR No. 229 B.—*Lieutenant-Governor's Camp—the 3rd March* 1854.—

To the COMMISSIONERS OF DIVISIONS.

It being desirable that Commissioners should exercise a more efficient control over the Proceedings of the Road, and Ferry Fund Committees, and that the business of such Committees should be conducted upon a systematic and well-considered plan, the Honorable the Lieutenant-Governor has been pleased to issue the following orders, which you will communicate to the several Committees, for their information and guidance.

2. In the latter fortnight of every August, there shall be a Special Meeting of the Committee, at which a general review shall be held of all that has been effected during the past season, with a careful record and consideration of all projects for the coming year, with reference to the Funds at the disposal of the Committee.

3. At this Meeting the Committee will consider to which of the projected works its efforts ought, on a careful regard to their relative importance and urgency, to be directed during the approaching season. And a statement of these, with a general estimate of their expence, and of the disbursements that will probably be necessary for the repair or preservation of existing roads and works, will then be immediately forwarded, together with an account of the Funds up to that date, to the Commissioner, for his examination and approval. This report should reach the Commissioner before the close of the month of August.

4. The Commissioner will preside at the Committee of the Station, where he may be at the time resident, and will lose no time in considering the merits of all the proposed undertakings, and their practicability with reference to the Funds in hand, and he will signify his assent or otherwise without delay to the Committee.

5. The Committee, upon receiving the Commissioner's sanction, will proceed to the execution of the several projects.

6. Should the Committee see urgent cause to recommend any work which may not be authorized by the Commissioner, they will be at liberty to request a reference to the Government, which the Commissioner will forthwith transmit with his own remarks.

7. In modification of Rule 10 of the Notification dated 10th February 1841, it is hereby provided that the Rule in paragraph 8 of that Notification, requiring the previous sanction of the Commissioner to all works executed at the charge of the Ferry Funds, shall be equally applicable to disbursements from the One per cent. fund; but the Commissioner's sanction will be sufficient without the necessity of a preliminary approval by the Government for all outlay without limit of amount from the latter Fund.

8. As much inconvenience has arisen from the want of a proper understanding and co-operation between the Road Fund Committees of neighbouring districts, the Lieutenant-Governor desires that it may be a standing rule that, whenever a Committee may desire to run a road to the boundary of its own district, the proposed line, and the point at which it will touch the neighbouring district, should be communicated to the Local Committee of that district, so that the precise direction may be determined with a view to unite the lines, which the several District Committees may have in review on a connected and uniform system.

9. It shall be the duty of the Commissioner to submit, as soon after the 1st of January in every year as possible, an annual report, together with a Sketch Map, stating what may have been effected, and at what expence, by each of the Road and Ferry Fund Committees in the Division during the previous year, and detailing the projects, the execution of which may have been sanctioned, in conformity with the recommendation of the Committees, after the season then current, and the estimated expence of each, with a memorandum of the aggregate proposed outlay, as compared with the resources at the disposal of both Funds.

CIRCULAR No. 618.—*Lieutenant-Governor's Camp,—General Department,—the 13th March* 1854.—*To the* COMMISSIONERS AND SUPERINTENDENTS OF POLICE.

THE Honorable the Lieutenant-Governor desires that you will instruct the Magistrates subordinate to you, whenever they have occasion to send a Lunatic Patient (not being a Criminal Prisoner,) to the Medical Officer in charge of a Lunatic Asylum, to be careful to forward at the same time a descriptive statement in the accompanying form, indicating all such material particulars regarding the patient as may be ascertainable:—

FORM.

Name.	Caste.	Residence.	Name and Residence of Father.	Time and Place of being taken into custody.		Circumstances under which the Lunatic was seized, and is sent to the Asylum, with any facts known regarding his previous state of mind and mode of life.
				Date.	Place.	

No. 373 A.—*Notification,—Separate Revenue Department,—Camp Dehra Doon, the 22nd March,* 1854.

With reference to the Notification required under Sections 2 and 16 of Act XVIII. of 1853, to give effect to the provisions of that enactment for regulating the sale of Spirituous Liquors, &c. in Cantonments, the Hon'ble the Lieutenant-Governor is pleased to notify that from the 1st May next, the provisions of the Act will have force as respects the Cantonment of Allahabad.

Eastern boundary.—The frontier of Oudh, from the Ganges to the village of Pyghumberpore; from thence by the road passing through the following villages, viz. Lukra, Buhadurpore, Chuk Jelalpoora, Doorjunpore and Bhundooka; and from thence to the Nullah Gokula to the Ganges at Bhutkar Khas.

The Southern boundary—is formed by a straight line drawn from the Jumna through Mundhoka to Dhubaoh and Newanund, and thence by Nainee to the Singra Nullah, and along its course to the Ganges at Mohawa.

Western boundary.—From the Ganges at Mhow to Munohurpoor, thence to Kusaree Musaree, and by the Sussoor Kuhderee Nullah to the Jumna.

Northern boundary.—The Ganges river, from the village of Mhow to the point on the left bank of the river, where the British territory meets that of Oudh.

No. 379 A.—*Notification,—Separate Revenue Department,—Camp Dehra Doon, the 25th March,* 1854.

With reference to the Notification required under Sections 2 and 16 of Act XVIII. of 1853, to give effect to the provisions of that enactment for regulating

the sale of Spirituous Liquors, &c. in Cantonments, the Hon'ble the Lieutenant-Governor is pleased to notify that, from the 1st May next, the provisions of the Act will have force as respects the Cantonment of Meerut.

Eastern boundary.—The Western boundary of the Tehseeldaree of Kittor, from the village of Jelalpoor, to village Nugla Moosa.

Southern boundary.—The Northern boundary of the Tehseel of Hauper and Tehseel Mooradnuggur, from the village of Nugla Moosa, to village Jourah on the Ganges Canal.

Western boundary.—The Ganges Canal, from the village of Jourah to Begumabad.

Northern boundary.—A line drawn from the Ganges Canal at Begumabad, through the villages of Ulleepoor, Mutcheree, Mahomedpoor, Lahour Khas, to the village of Jelalpoor on the Western boundary of the Kittor Tehseeldaree.

No. 712.—*General Department,—Lieutenant-Governor's Camp, the 28th March,* 1854.

THE subjoined Extract of a Report submitted by Mr. H. B. Riddell, late Post Master General, North Western Provinces, before giving over charge of his office, on the results hitherto attained in the management of the Post Office Department in these Provinces, is published for general information :—

Extract paragraphs 54 *to* 59, *and part of* 60 *of a letter No.* 72, *dated the* 22*nd February,* 1854.

Paragraph 54.—" In conclusion, I will, in compliance with the desire expressed by His Honor the Lieutenant-Governor, very briefly state the chief points in which progress has been made since April 1845, when I received charge of the Post Offices of the North Western Provinces. The receipts from Postage have increased from Rs. 5,56,690-14-10 in 1844-45, to Rs. 8,36,756-4-0 in 1852-53 ; the number of Post Offices on the 1st of April 1845 was 138; they now number 247. There were 6,542 miles of mail road under my predecessor; there are now 13,884 miles under the Post Master General of the North Western Provinces.

55.—"The Mails were conveyed in Carts over about 440 miles of metalled road; now horsed Carts are used on about 2,300 miles, of which about 700 are metalled. Arrangements for the conveyance of Passengers by Carriage were made by my predecessor, but the receipts from that source were very trifling. In 1844-45, the total sum received amounted to Rs. 24,085-13-6, the receipts under this head increased until 1849-50, when they amounted to Rs. 1,66,800-9-3½. The success of the experiment having induced private speculators to enter the field, and their rates being greatly below those charged by the Post Office, the receipts have fallen off very greatly, and the object having been gained, I propose to transfer the Carriages to the Punjab, where as yet no private speculator has attempted to supply the wants of the public, and where, unless the Post Office act, no improvement can be expected for some years.

56.—" As it was necessary to provide for the conveyance of the Banghy Mail, Banghy Vans were started when the demand for Carriage Dâks ceased, and the rates being fixed at the low rate of one anna a mile, the poorer classes of Travellers were unable to take advantage of it. The experiment has succeeded, the receipts have steadily increased, and, in December last, amounted to Rs. 2,500, the cost of the Extra Establishment being only about Rs. 1,700 a month.

57.—" In October 1845, the Bullock Train was first established on a very small scale, Country Carts being used; these were soon found ill adapted for the purpose, and gradually Equirotal Waggons and two-wheeled Carts have been built, and the line extended from Lahore to Calcutta. It is now, though we are still in want of

Waggons, tolerably efficient, and has on several occasions been of material convenience to the Public service. In the autumn of last year, we were able, in about a fortnight, through the Bullock Train, to despatch and distribute between Allahabad and Loodiana, nearly 500 tons, about 1,135 miles, of Telegraph wire.

58.—"The Establishment of the Government Bullock Train has given rise to numerous private undertakings of a similar nature, and has done much towards the introduction among the Native Community of an improved description of Waggons for use on the main roads.

59.—"In 1846 District Dâks were first made available for the Public at large, and since that date, many improvements have been effected by the Magistrates of many Districts.

60.—"Travellers' Bungalows have been greatly improved, and are now generally well furnished, and tolerably comfortable, and all disbursements are now subject to Audit by the Civil Auditor, and come before the Post Master General, and thus enable him to judge of the sum available for the erection of new Bungalows, and the improvement of old ones."

No. 427 A.—*Notification,—Separate Revenue Department,—Camp Kunkhul, the 30th March,* 1854.

WITH reference to the Notification required under Sections 2 and 16 of Act XVIII. of 1853, to give effect to the provisions of that enactment for regulating the sale of Spirituous Liquors, &c. in Cantonments, the Hon'ble the Lieutenant-Governor is pleased to notify that from the 1st May next the provisions of the Act will have force as respects the Cantonment of Cawnpoor within the following boundaries:—

North-east boundary.—The Ganges River.

South-west boundary.—The Pandoo Nuddee.

North-west boundary.—Pergunnah Bithoor; that is, from the Ganges to the boundary of Mouzah Jamoee, on the Pandoo Nuddee.

South-east boundary.—Pergunnah Sarh Suleempoor; that is, from the Ganges to the boundary of Mouzah Poonia, on the Pandoo Nuddee.

No. 627 A.—*Notification,—Judicial Department,—Camp Nynee Tal, the 8th May,* 1854.

THE Circular of the Bengal Government, No. 3, dated 8th September 1853, with its accompaniments, having been omitted in the Circular of this Government, No. 489 A. dated the 6th April, a revised copy of the latter is re-published for general information:—

CIRCULAR No. 489 A.—*To* COMMISSIONERS OF CIRCUIT.—*Judicial Department,—Dated Camp Roorkee, the 6th April,* 1854.

AFTER a reference to the Court of Sudder Nizamut as by the Extracts of correspondence annexed, I am directed by the Honorable the Lieutenant-Governor to issue, and to declare applicable to the Magistrates in these Provinces, the Circular No. 3, dated 8th September 1853, addressed by the Bengal Government to Magistrates under its jurisdiction.

Letter to Officiating Register, Nizamut Adawlut, No. 221 A., dated 2nd March 1854.

Extract paras. 1 and 2 of letter from Officiating Register, Nizamut Adawlut, No. 307, dated 17th March 1854.

(COPY.)

No. 221 A.—To Officiating Register to the Court of Nizamut Adawlut,

North Western Provinces.—Judicial Department,—Camp Khuttowly, the 2nd March, 1854.

I am desired to call the attention of the Court to the Circular addressed by the Bengal Government to Magistrates, No. 3, dated 8th September 1853, published at pages 47 to 50 of the *Agra* (Lower Provinces) *Gazette*, of the 24th ultimo, and to request that they will favor the Lieutenant-Governor with their opinion as to the view of the law, regarding the class of cases to be considered as "heinous offences" under the Regulations, which is explained in the letter from the Remembrancer of Legal Affairs at Calcutta, appended to the Circular.

2.—Should the Court concur in that view, His Honor proposes to issue a similar Circular for the guidance of the Magistrates in these Provinces.

Extract, paragraphs 1 *and* 2, *of a letter from the Officiating Register to the Court of Nizamut Adawlut, N. W. Provinces, to the address of the Secretary to Government, N. W. Provinces, dated the* 17*th March* 1854, *No.* 307.

Paragraph 1.—I am directed by the Court to acknowledge your letter, No. 221 A. dated 2nd instant, requesting their opinion on the view taken regarding the class of cases which are to be considered as "heinous offences" under the Regulations, in a communication from the Superintendent and Remembrancer of Legal Affairs appended to a recent Circular of the Government of Bengal, which was published under date 8th September last, in order that, in the event of that view appearing to be legally correct, a similar Circular may be issued under orders of the Honorable the Lieutenant-Governor for the guidance of the Magistrates in these Provinces.

2.—The Court see no objection to its being ruled, that a riotous assault, when the offence may be so limited, and unaccompanied by any aggravating feature, of injury, or otherwise, so as to make it of a serious nature, is not classable as a "heinous offence" under the Regulations.

"Actual affray," indeed, without specification of its nature, is designated among heinous offences by Clause 1, Section 13, Regulation XX. 1817, but the nature of the affray must be gathered from the subsequent provisions made regarding this offence, and serious riots in Section 18 of the same enactment. The classification of offences in the Magistrate's Criminal Statement, 1 to 6 and 9, is conformable hereto, which exhibits

31 Affrays and 32 Riots	with homicide, with violent breach of peace,	among the crimes detailed in Part I., leaving simple riots and affrays for entry under heading 41, among "Miscellaneous Offences."

Circular No. 3.—*To the* Magistrates.—*Judicial Department,—Fort William, the 8th September* 1853.

I am directed by the Most Noble the Governor of Bengal, to forward for your information and guidance, the accompanying extract from a letter* from the Superintendent and Remembrancer of Legal Affairs, on the subject of the legal meaning of the term "heinous offence" as used in Section 26 of Regulation XX. of 1817.

* No. 574, dated 28th July 1853, paragraphs 1, 2, 3, 5 and 6.

2.—You are requested to observe carefully the definition here laid down, and to abstain from attaching the personal property of absconded defendants, whenever the offence for which they are summoned is not of the "heinous" character contemplated by the above Regulation.

3.—I am further desired to instruct you, that whenever, in accordance with the provisions of Section 6, Regulation XI. of 1796, and Section 26, Regulation XX. of 1817, you may have occasion to report to Government cases of evasion of criminal process, you will make your report in the accompanying Tabular form, without a transmitting letter, unless the case be of sufficient importance to require more detailed notice.

Extract from a Letter from the Superintendent and Remembrancer of Legal Affairs, to the Secretary to the Government of Bengal, in the Judicial Department, No. 574, *dated the* 28*th July* 1853.

Paragraph 1.—I have the honor to acknowledge the receipt of Under-Secretary Mr. Hodgson Pratt's letter, No. 1211, dated 8th instant, requesting, by direction of the Most Noble the Governor of Bengal, that I would submit my opinion on the point mooted by Mr. Samuells, in certain correspondence which accompanied Mr. Pratt's letter.

2.—From the second paragraph of Mr. Samuells' letter No. 638, dated 26th May 1853, it would appear that in the month of June 1852, a quarrel took place between some villagers and the servants of three gentlemen who were returning to Barrackporé from shooting; the villagers attacked them, and attempted to take from the servants the guns and carpet-bags belonging to their masters; on learning what was passing, the gentlemen galloped back to the assistance of their servants, and the villagers fled, leaving in the hands of the servants one Kalee Mohun Ghosal; Kalinath Ghosal, brother of Kalee Mohun, came up shortly after the arrival of the gentlemen, and endeavoured to induce them to release his brother, but without effect; Kalinath then went into the village, and accompanied by other persons, committed a riotous assault on the gentlemen. The usual process have been issued for the attendance of Kalinath, but without effect, and it has been proposed under Section 6 of Regulation XI. of 1796, and Clause 10, Section 26, Regulation XX. of 1817, to sell certain real and personal property which has been attached in due legal form. Objection to this step, with reference to the personalty, has been taken on the ground that the party absconding has not been charged with a criminal offence of a "heinous nature," and consequently his movable property is not liable to attachment under Clause 6, Section 26, Regulation XX. of 1817. My opinion is required, whether a riotous assault of the nature of that detailed above is a "heinous offence" within the meaning of the Regulations or not.

3.—The law nowhere defines the term "heinous offence," but it does what is perhaps more conclusive; it in two different places, viz. in Section 26 of Regulation IX. of 1807, and in Form No. 4, attached to Regulation XX. of 1817, gives a list of the offences which it denominates "heinous:"* in the law first mentioned, amongst the crimes of a heinous nature are "affrays and violent assaults attended with homicide, maiming or wounding; in the last-mentioned law, amongst those crimes are "affrays and riots of a serious nature."† The question proposed to me for solution may therefore be thus stated:—does the crime, of which Kalinath Ghosal is charged, come within either one or the other, or both kinds of affray or riot included within the heinous offences in the laws above cited.

* It is to be remarked that in the former Law all crimes of a heinous nature ascertained by the Police or *otherwise* to have been committed are entered, whereas in the latter those alone are entered which are ascertained by the *Police* to have been committed.

† These are crimes, to use the language of Section 3 of Regulation IX. of 1807, quoted by Mr. Samuells in the 3rd paragraph of his letter No. 802, involving a dangerous breach of the peace.

5.—Taking then the crime charged against Kalinath Ghosal exactly as stated by Mr. Samuells, it would seem neither to fall within the category of affrays, or violent assault attended with homicide, maiming or wounding, nor of affrays or riots of a serious nature; that is, attended with serious injury to person or property or both: it was a sudden movement amongst the villagers, with a view of rescuing their comrade, whom the officers were, certainly without any authority, about to carry off to Barrackpore with them; in short, it was a riotous assault, and nothing more.

6.—Under these circumstances, I am of opinion that this case does not come within the category of heinous offences under the law either as laid down in Section 26 of Regulation IX. of 1807, or in the list of crimes of that nature attached to Regulation XX. of 1817, and that the stringent rules of Clause 6 of Section 26 of this law, whereby the movable property of persons not being proprietors of land charged with a criminal offence of a heinous nature is liable to attachment and eventual sale, are not applicable to a case of this nature.

No. 1724.—*Notification,—Judicial Department,—Camp Roorkee, the 7th April,* 1854.

It is hereby notified that, from and after one month from the date of the *Gazette* containing this Notification, the provisions of Act XVIII. of 1853 will have force in the Cantonment of Agra, within the following boundaries:—

To the East.—The Western boundary of Pergunnah Futtehabad, from river Jumna at the Boodhana Ferry, to the village of Bissreebhund; and the Western boundary of Thannah Etimadpore, from the Jumna near the mouth of the Jhirna Nullah, to the village of Baskishen Sing near Chaolee.

To the South.—The Northern boundary of Pergunnah Iradutnugger, from the village Bissreebhund to Nugla Jowalla.

To the West.—The Eastern boundary of Pergunnahs Khyragurh, Futtehpore Sicree, and Furra, from Nugla Jowalla, to the Jumna near Artonee.

To the North.—The River Jumna from Artonee to Dungrolee, and thence by the South-eastern boundary of Pergunnah Sādābād, to the point of its intersection by the Jhirna Nullah, and from thence by the South-western boundary of Pergunnah Juleysur to Baskishen Singh near Chaolee.

No. 838 A.—*Notification,—General Department,—Camp Roorkee, the 10th April,* 1854.

In accordance with instructions received from the Most Noble the Governor General of India in Council, the Hon'ble the Lieutenant-Governor is pleased to publish, for general information and guidance, the following Despatch from the Hon'ble the Court of Directors, approving the recommendation of His Lordship in Council for the foundation of a Scholarship or Prize at the Roorkee College, in memory of the late Lieutenant-Governor, and communicating their command that the College be henceforth designated the "Thomason College of Civil Engineering at Roorkee."

No. 6.—Our Governor General of India in Council.—*Public Department,—London, 8th February,* 1854.

Letter, dated 4th November, No. 80, of 1853.

Submitting, for Court's sanction, a proposal for the foundation of a Scholarship or Prize at the Roorkee College, in memory of the late Mr. Thomason.

1. We entirely concur in the opinion you express, that it becomes the Government of India to institute some enduring memorial of the eminent merits and services of Mr. Thomason, and we think, that the object cannot be accomplished in a more appropriate manner than by connecting it with the College of Civil Engineering at Roorkee.

2.—We approve the proposal you have submitted to us, and authorize you to carry it out in such a way as may seem to you most suitable. At the same time, we are of opinion, that the opportunity should be taken of marking our sense of Mr. Thomason's public services, and of connecting his memory with the Roorkee College, in a still more emphatic manner, it appears to us very fitting that an institution of such peculiar importance to India, and of a character so entirely novel in that country, should bear the name of its founder, and it is accordingly our desire that the College be henceforth designated the "Thomason College of Civil Engineering at Roorkee."

3.—We direct that this change of name, and the reasons of it, be publicly notified in such form as you may deem most suitable.

We are, &c.,

(Signed) RUSSELL ELLICE,
" J. OLIPHANT,
and other Directors.

THE following letter was forwarded for the information and guidance of the Road and Ferry Fund Committees throughout the North Western Provinces, under cover of a Circular Letter to Commissioners, No. 508 B., dated 18th April, 1854.

No. 508 A.—*To* COMMISSIONER OF AGRA.—*Judicial Department,—Camp Nynee Tal, the 18th April,* 1854.

I AM directed to acknowledge the receipt of your letter, dated 1st instant, No. 47, with enclosures, requesting sanction to the disbursement of Rs. 9,955-9-9, from the Ferry Fund allotment, for the construction of a Bridge over the Syngur River, on the road from Etawah to Furruckabad.

2.—The Lieutenant-Governor observes that it has not been stated, whether the line upon which the Bridge is to be erected, is a metalled, or only a raised road, or how far, upon either side of the Bridge, the roadway is already completed, or yet only in commencement of execution.

3.—The season however being far advanced, His Honor is unwilling to defer his sanction to the structure pending further enquiries, and has accordingly been pleased, trusting to the judgment of the Committee, to authorize its execution at a cost of Rs. 9,955-9-9, from the Ferry Fund allotment of the district.

4.—You are however requested to procure and furnish for His Honor's information, the particulars indicated in my 2nd paragraph.

5.—You are also requested carefully to observe this rule upon all future occasions of like references.

6.—The enclosures of your letter are returned, copies having been kept for record.

No. 612 A.—*Resolution.—Revenue Department,—the 6th May,* 1854.

1.—UNDER the powers vested in the Lieutenant-Governor, North Western Provinces, by Section 1, Act VII. of 1845, the provisions of the Act in question are declared applicable to the Kutta Puthur Canal in the Dehra Dhoon.

2.—In conformity with Section 8 of the aforesaid Act, the Superintendent of the said Canal is invested with the powers of a Deputy Collector for the levy of rents, and Joint Magistrates for the enforcement of penalties under the aforesaid Act. The

subordinate establishments of the Superintendent, have the powers of subordinate Revenue and Police Officers, for the aforesaid purposes. An appeal lies direct to the Commissioner of the Division against orders passed by the Superintendent in the capacity of Deputy Collector and to the Sessions Judge against orders passed in the capacity of Joint Magistrate.

3.—The officer at present holding the above appointment, and invested with the above powers, is Lieutenant Powys.

4.—In conformity with Section 2 of the aforesaid Act, the following rules are passed to be in force on the Kutta Puthur Canal:—

I.—Cultivators, whose lands lie within reach of the Canal, or of reservoirs filled from the Canal, may, on their application, have water for irrigation from the Canal, or the tanks or reservoirs, made or repaired by the Government, and filled from the Canal, at the following rates:—

Description of the Produce.	*On land irrigated naturally by flow of water.*			*For what Period.*
	Per Acre.			
	Rs.	A.	P.	
1st Class.—Fruit Gardens, or Nursery Gardens,	2	8	0	Per annum.
2nd Class.—Vegetable Gardens, Indigo, Sugar-cane, Tobacco, Singharas, cultivated Grasses, as Lucerne, Guinea grass, &c., ajwain, and similar herbs, Rice grown in kyarees or beds,-- -- --	1	0	0	Per annum, or crop.
3rd Class.—Rice not grown in kyarees, Cotton, Wheat, Oats, Indian Corn, Goochnee, Vegetable, (single crop,) Safflower,-- -- -- -- -- --	0	8	0	Per crop.
4th Class—Grain, Barley, Oilseeds, Cheenah, Jowar, Pulse of all kinds, -- -- -- -- --	0	8	0	Per crop.

II.—In the event of any person secretly taking water from the Canal in any manner for which rent is leviable, without coming under engagements to pay the rent, or secretly taking more water than he engaged to pay for, he shall be chargeable with double rates for all waters so taken.

III.—When from the carelessness of the cultivators, either in not properly closing the heads of their water-courses, or in leaving their water-courses in bad order, the water overflows and spreads over waste or fallow land, or roads, a fine shall be levied not exceeding the highest rate of water-rent leviable on the extent of land flooded.

IV.—It shall be in the power of the Canal Officers to close the whole of the branch water-courses from sunset to sunrise, for the purpose of forcing the water on to the lower parts of the Canal, and also, when necessary, for any period not exceeding three days in a week. At other times the water shall be at the command of the cultivators, provided it be in the power of the Canal Officers to furnish a supply. Persons taking water once, so as to benefit a crop, shall be liable to the charge for the whole year, or the whole crop, as the rate may be leviable.

V.—Separate agreements, upon terms of equal advantage to all applicants in similar circumstances, may be made between individuals and the Superintendent for the use of water for irrigation or for driving machinery or other purposes.

VI.—When a branch water-course may have been formed by the owners of two or more villages at their joint expense, and the owners of any one of the villages, by refusing or neglecting to clear out their portion of the water-course, shall impede the

free flow of the water, the Superintendent shall be competent to cause the channel to be cleared at the public expense, and shall recover such sums as tuccavee from the owner of the adjacent village, or of the villages profiting thereby, in such proportions as he may consider just, and according to the method prescribed in these Rules.

VII.—The Superintendent in realizing balances of tuccavee, or of water-rent, is empowered to proceed himself against the persons, or personal property of defaulters, under the provisions of the Regulations applicable to the case; but if he considers it necessary to proceed against the real property of the defaulters, he will address a requisition to that effect to the Collector of the District in which such property is situated. The Collector, on receiving the requisition, will proceed in the same way as he would upon any similar requisition addressed to him by the Collector of another district.

VIII.—The jurisdiction of the Superintendent as Joint Magistrate in all cases provided for in this Act, shall extend for twelve yards on each side of the high-water mark on every channel or stream conveying water to more than one village, or to a reservoir, and on every side of the high-water mark of every Tank or Reservoir constructed or kept in repair by the Canal Officers and filled from the Canal; also over every plantation, and building or enclosure belonging to the Government, and under charge of the Canal Officers, and also up the course of the stream, from which the Canal is drawn, from the head of the Canal to the debouche of the stream from the hills, or to any place where water-courses may be cut, or machines constructed. Beyond these limits, he will have concurrent jurisdiction with the Magistrate for the apprehension of offenders.

IX. Persons injuring the Canal banks, or the Canal property, within the aforesaid limits, or unnecessarily dirtying or defiling the water, or injuriously impeding the free flow of water to the Canal head, or wilfully driving their cattle or other animals, so as to damage the banks or the property, shall be liable to the penalties prescribed in the Act, but for cattle accidentally straying, the penalty shall not exceed

For every Elephant, -- -- -- -- -- -- -- -- -- --	1 Rupee.
For every Camel, -- -- -- -- -- -- -- -- -- --	4 Annas.
For every head of cattle, horse, &c., -- -- -- -- -- --	2 „
For every sheep or goat, -- -- -- -- -- -- -- -- -- --	1 „

Together with the expences of feed and keep, and the costs of repair for damage done. Unclaimed cattle, or other animals, will be sent to the established Canal pounds, to be disposed of by the Superintendent, as usual, and the net proceeds of the sale will be credited to the Canal. Cattle or other animals, crossing the Canal, at other than the authorized places, or drinking elsewhere than from the appointed reservoirs, or permitted spaces, will be held to have been wilfully driven, or to have accidentally strayed, as the case may be.

No. 2211.—*To* Commissioners of Divisions.—*Judicial Department,—dated Nynee Tal, the 9th May,* 1854.

It having been brought to the notice of the Lieutenant-Governor, that prisoners are frequently despatched from district to district, without an intimation of the sentence or order in pursuance of which they are sent, His Honor requests that you will instruct the Magistrates subordinate to you, when they have occasion to forward a prisoner to another district, invariably to transmit either by dak or with the chulan, a roobakaree or letter containing a distinct Statement of the order, in furtherance of which the despatch is made.

No. 633 A.—*Notification,—Judicial Department,—Nynee Tal, the 9th May,* 1854.

THE Hon'ble the Lieutenant-Governor, North Western Provinces, is pleased to publish, for the information and guidance of the officers subordinate to this Government, the correspondence specified in the margin*, on the use of simple and idiomatic language in vernacular official documents, and with reference to the directions contained in the Circular Order of the Sudder Court, No. 33, dated 19th April 1839, paragraphs 4 and 6, and in the printed Circular of the Sudder Board, No. 3, paragraphs 5—8, to call the special attention of the Officers in all Departments, to a careful observance of these instructions according to the tenor of paragraph 2 of the Government letter of the 5th January last, the first of the series subjoined.

* To Register Sudder Dewany Adawlut, North Western Provinces, dated 5th January 1854, No. 67.
To Secretary Sudder Board of Revenue, North Western Provinces, dated 5th January 1854, No. 68.
From Secretary Sudder Board of Revenue, North Western Provinces, dated 10th January 1854, No. 14.
From Officiating Register Sudder Dewany Adawlut, North Western Provinces, dated 22nd April 1854, No. 859.

Nos. 67* AND 68*.—*To* REGISTER SUDDER DEWANY AND NIZAMUT ADAWLUT, *North Western Provinces, and* SECRETARY, SUDDER BOARD OF REVENUE, *North Western Provinces.—Judicial Department,—Dated Lieutenant-Governor's Camp, the 5th January,* 1854.

A Deputy Collector in this quarter having brought prominently to the notice of the Hon'ble the Lieutenant-Governor the difficult and foreign style in which the proceedings of the Judicial, Criminal, and Revenue officers still continue to be recorded, His Honor was pleased to consult the Visitor General of Schools on the subject, and received from him the recommendation that a Notification should be issued, impressing upon the heads of Officers the necessity of causing all vernacular documents to be written in simple and idiomatic language.

2. It is known that there are two styles of composition in Oordoo, one little distinguished from Persian, excepting in the use of Hindee Verbs, Particles and Inflections; the other having a much freer use of ordinary Hindee words, and made designedly as easy as practicable to persons not familiar with Persian. The latter is the style which, without any needless or affected avoidance of Persian words or expressions which have become well established in the common transaction or record of business, His Honor would desire to see habitually employed in all the public Offices. He would gladly adopt any measure likely to further the use of the most generally intelligible forms of Oordoo, and, if a Notification of the tendency suggested by the Visitor General would be likely to have this effect, he will readily issue such an order.

3. Before however proceeding to this step, His Honor is desirous of obtaining the sentiments of the $\frac{\text{Court}}{\text{Board}}$ upon the subject, and requests that they will take it into their consideration, and report to him, their opinion on Mr. Reid's recommendation.

No. 14.—*From the* Secretary Sudder Board of Revenue, *North Western Proincves, Agra.—Revenue Department,—Dated Agra, the* 10*th of January* 1854.

I am desired by the Sudder Board of Revenue, North Western Provinces, to acknowledge the receipt of the orders of Government No. 68, dated 5th instant, calling for their opinion on the advisability of issuing a Notification to impress upon the Heads of Offices the necessity of using simple and idiomatic language in all Vernacular documents.

2.—The Board concur in the opinion of the Visitor General of Schools, that the issue of such a Notification will be productive of advantage.

3.—In the Revenue Department, they believe, that with occasional exceptions, the rules laid down in paragraphs 5—8 of their printed Circular No. III. have been, and are, generally followed. Those rules prohibit the too frequent introduction of words and idioms exclusively Persian, and inculcate the adoption of such phrases as would be used by a well-spoken respectable man, altogether unacquainted with that language.

4.—The nature of the duties of Officers in the Revenue Department, and their constant intercourse with respectable land-holders and their tenantry, without the intervention of vakeels and others, who have been trained, as it were, to an official jargon, forces upon them the use of words and idioms familiar to this large and respectable class of the community.

5.—The files connected with Settlements, Summary Suits, proprietary disputes, and the like, will generally be found to be written in simple and idiomatic Oordoo, free from the opposite faults of a too frequent use of Persian words, or an equally objectionable preference for Sanskrit words, which are understood only by Pundits and others versed in that language. At the same time there is room for improvement even in the Revenue Department, and much good may be done by drawing the attention of Heads of Offices to the subject.

6.—The Board, in their capacity of Legal Remembrancer, have daily experience of the great difference between the language used in the fiscal, and that adopted in the Civil Courts. Apart from words purely technical or legal, the language of the pleadings and decisions of the Civil Courts is certainly unintelligible to well-spoken and respectable natives, unless they are thoroughly acquainted with Persian. The business of the Civil Courts being transacted through vakeels, who are to a greater or less degree educated men familiar with Persian sufficiently, explains the difference, which is, the Board consider, a great evil, but one which admits of remedy at the hands of the presiding officers in those Courts.

No. 859.—*From* Officiating Register to the Court of Sudder Dewany Adawlut, *North Western Provinces, to* Secretary to the Government *of the North Western Provinces,—Dated Agra, the* 22*nd April* 1854.

In reply to your letter No. 67, of the 5th January, I am directed by the Court to forward to you copies of the correspondence noted in the margin*.

* Register to Visitor General, No. 101, dated 18th January. Visitor General's reply, No. 818, dated 18th April.

2.—The Court concur in the proposal of His Honor to issue a Notification of the nature referred to in your letter now under reply.

No. 2278.—*Notification,—Revenue Department,—the 12th May* 1854.

THE following Sections in the several Resolutions, specified below, are amended in the manner indicated in the subjoined paragraph:—

Section VII. of Resolution, dated 31st May 1845, for the Eastern and Western Jumna Canals.

Section V. of Resolution, dated 31st May 1845, for the Beejapore and Rajpore Canals.

Section X. of Resolution, dated 31st May 1845, for the Nugeena Canal.

Section XII. of Resolution, dated 30th August 1848, for the Paha, Kitcha, Dhora and Eastern Bhygool Canals.

Amended Section.

Separate agreements, upon terms of equal advantage to all applicants in similar circumstances, may be made between individuals and the Superintendent for the use of water for Irrigation, or for driving Machinery, or other special purposes.

No. 670 A.—*Notification,—Judicial Department,—Camp Nynee Tal, the 12th May,* 1854.

THE Hon'ble the Lieutenant-Governor, North Western Provinces, has been pleased to resolve that all Medical Officers, Covenanted and Uncovenanted, hereafter appointed to Civil duties in the North Western Provinces, shall, within twelve months after their appointment, be required to pass an examination in the Vernacular language of the District, such as shall test their ability to converse with the people, and be understood by them.

The standard of examination will be the same as that prescribed for Military and Medical Officers under the orders of the Government of India, in the Military Department, dated the 1st March 1844.

CIRCULAR No. 745 A.—*To the* COMMISSIONERS OF DIVISIONS.—*Judicial Department,—Nynee Tal, the 25th May,* 1854.

ALL the replies to the Circular Order No. 155 A., dated 29th November, 1853, having now been received, and laid before the Hon'ble the Lieutenant-Governor, I am directed, with reference to the information contained in them, to communicate the following observations.

2nd. The returns do not uniformly show, in a distinct manner, what it was the main object of the Circular Order to learn; viz., how the Magistrate and Collector in each district distributes the various duties of his office among the several officers subordinate to him, and the amount of duty performed respectively by himself and them.

3rd. The practice in regard to the distribution of the duties appears to vary in different districts, according to the particular views, or preference for particular portions of business, on the part of the superior officer.

4th. In some cases he arranges the district into sub-divisions, placing each of his subordinate officers in immediate control of one such sub-division, including the performance of all duties, whether in the Criminal or Revenue Department, connected

with it; and retaining in his own hands one of the sub-divisions, together with the nomination and removal of the higher native officers, and the general supervision and control of the business of all kinds transacted throughout the district.

5th. In other cases, the Magistrate and Collector keeps the whole district in his own hands, referring only individual cases as they arise, and as he thinks fit, to his subordinate officers.

6th. In others, again, he reserves to himself, almost exclusively, the revenue business of his office, and makes over, practically, the charge of the Police, and of the duties connected with it, to his Joint Magistrate.

7th. The Lieutenant-Governor is of opinion, that the system of administration in so important a respect, as that now under consideration, should be regulated on an authorized and consistent plan; and that which he would desire to be followed in all districts, is the first of those abovementioned; which, while it admits and requires an effective responsibility on the part of the superior officer, provides also for the whole time and attention of one subordinate officer being given to a sub-division of convenient extent, in the administration of which, he will have the best training for the performance of every class of duty arising in the management of a district, in whatever department.

8th. On a plan of administration and control, such as is above approved and enjoined, His Honor is especially desirous that it should be understood, that the personal responsibility of the Magistrate, in regard to the general direction of the Police, to the tracing the perpetrators of every serious crime, and to the exact and complete preparation of commitments for trial, will be held to be as strong, as that for the due discharge of the revenue duties of the joint office of Magistrate and Collector.

9th. In every important Police case, the Magistrate should follow, closely, the course of enquiry held by his subordinate officers in all the sub-divisions; and before the commitment is submitted for trial, he should carefully examine the proceedings, and see that all necessary parts of the evidence have been thoroughly sifted, and are regularly and clearly exhibited for the determination of the Sessions Court.

10th. You are requested to forward the accompanying printed copies of these Orders, for the information and guidance of the Magistrates and Collectors within your Division.

CIRCULAR No. 790 A.—*To the* COMMISSIONERS OF DIVISIONS.—*Judicial Department,—Dated Nynee Tal,—the* 30*th May,* 1854.

I AM desired to forward, for the information and guidance of the Magistrates under your control, a copy of the correspondence noted in the margin*.

* Dr. Balfour's letter, No. 116, dated 14th March, and annexure.
To Medical Board No. 1589, dated 4th April.
From Medical Board No. 1807, dated 15th April.

2nd. The Lieutenant-Governor requests, that the Magistrates may be instructed invariably to supply the information indicated by Dr. Balfour with the additional question suggested by the Medical Board, so far as it may be possible to obtain it, in forwarding any insane prisoner to a Lunatic Asylum.

(COPIES)—No. 116.—*Dehlie, the* 14*th March,* 1854.

The information regarding patients sent to the Superintendent of Insane Hospitals in the North Western Provinces, being generally of the most meagre and

unsatisfactory nature, and it being exceedingly desirable, both for the better treatment of the disease, and the increase of our knowledge, that such should no longer be the case, I should feel obliged by your submitting to his Honor the Lieutenant-Governor North Western Provinces, the annexed questions to which, if approved of, I propose that answers be required in cases in which the patient's home or family are known.

When the patient is a wanderer, of course this cannot be done but at least the circumstances leading to his arrest, and his subsequent behayiour, may be entered.

I also beg to suggest that no delay be made in transmitting these reports, which ought to arrive as soon as the patient, if they do not accompany him, and which ought to be invariably prepared in English, not in the Vernacular.

To the SECRETARY TO GOVERNMENT, *North Western Provinces.*

Questions to be answered in the Roll of Insanes, sent for treatment in a Lunatic Asylum, in the North Western Provinces.

1*st.*—How long has patient been insane.

2*nd.*—In what manner has the disease been manifested.

3*rd.*—Has patient been accustomed to use opium, churrus, or similar drugs.

4*th.*—Has patient suffered from fever, or any other serious disease, before insanity commenced.

5*th.*—Whether the attack can be traced to any cause, as law-suits, loss of property, family quarrels, death of relations, or any similar events.

6*th.*—What treatment (if any) has been pursued.

7*th.*—In cases when the patient is a wanderer, and unknown, the circumstances which led to his arrest, and his subsequent conduct, to be stated.

No. 1589.—*To the* MEDICAL BOARD, *Fort William.—Judicial Department,—Dated Lieutenant-Governor's Camp, the* 4*th April,* 1854.

I am desired to forward, for your information, the accompanying copy of a letter received from the Superintendent Insane Hospital, Dehlie, dated 14th ultimo, No. 116, bringing to notice the very meagre information generally received regarding the insane patients sent to the Asylum.

2*nd.* I am desired to state, that, before issuing instructions in pursuance of Dr. Balfour's suggestions, to the several District Magistrates, the Lieutenant-Governor would be glad to receive any suggestions which your Board would desire to offer, in addition to the points of enquiry noted by the Civil Surgeon.

No. 1807.—*From the* MEDICAL BOARD, *to the* HON'BLE J. R. COLVIN, ESQ., *Lieutenant-Governor of the North Western Provinces,—Dated Fort William, the* 14*th April,* 1854.

We have the honor to acknowledge the receipt of Mr. Muir's letter, No. 1589, of the 4th instant, and in reply beg to say, that the questions proposed by Dr. Balfour, to be put respecting the previous history of Insanes, appear to us to be very judicious, and that we have only to add one question. Have any of the Insane's relatives been known to suffer from insanity?

No. 807 A.—*Notification.—Revenue Department,—Head Quarters, the* 31*st May*, 1854.

WITH reference to the Resolution No. 4409, dated the 30th August 1848, placing the Paha, Kitcha, Dhora, and Eastern Bhygool Canals, under the provisions of Act VII., 1845, the Hon'ble the Lieutenant-Governor has been pleased to sanction, and to promulgate, the following alteration of the rates there laid down.

Class of Irrigation.	*Rate per Acre.*	*Per Cutcha Beegah.*	
1*st Class*.—Fruit or Nursery Gardens, -- --	3 0 0	0 8 0	Per Annum.
2*nd Class*.—Vegetable Gardens, Indigo, Sugar-cane, Tobacco, Singhara; Cultivated Grass, as Lucerne, Guinea Grass; Ajwaen, and similar herbs, -- -- -- -- -- -- -- --	0 12 6	0 2 0	Per crop for one watering; and for every successive watering, half these rates.
3*rd Class*.—Gram, Rice, Cotton, Wheat, Oats, Barley, Indian Corn, Safflower, Doossaee, Pulse, Oil Seed, &c., -- -- -- -- --	0 6 3	0 1 0	

CIRCULAR No. 988 A.—*To the* COMMISSIONERS OF DIVISIONS.—*Revenue Department,—Head Quarters, the* 29*th June* 1854.

THE replies to the inquiries contained in my Circular letter, No. 52 A., dated the 15th November last, as to the practice in regard to previous sanction being obtained for the occupation of land for District roads, having been under consideration of the Lieutenant-Governor, I am directed to communicate the following instructions.

2. It is evident from the great diversity of practice reported in these returns, that the rules prescribed on the subject have been too frequently disregarded, and that irregularities, in some cases involving the risk of serious injustice to proprietors, have been permitted to exist.

3. The Lieutenant-Governor directs the strict enforcement for the future, of the following rules.

4. No land shall be occupied for any District road, until the measure shall have been approved by a vote of the Road Fund Committee, recorded on their proceedings, and specially reported for the confirmation of the Commissioner of the Division.

5. When sanction has been given by the Commissioner, the Collector will be applied to by the Secretary to the Committee, in order that the amount of compensation, or remission of land revenue, due to all parties interested, may be determined, according to the rules laid down in the Revenue Department on that subject, and, until these have been fixed, and agreed to by those parties, or otherwise settled under Regulation I. of 1824, possession shall not be taken by the Magistrate and Collector, or by the Committee.

6. Where, from any emergent circumstances, greater expedition than the above course will admit of may be absolutely necessary, special sanction to proceed to immediate occupation* under the Law must previously be obtained from the Commissioner.

Sections 2 and 5, Act XLII., 1850.

7. A Circular order by the Sudder Board of Revenue, under the approval of the Government, is about to be issued, explaining more fully the nature of the rules now prescribed, with a view to the proper adjustment of the amount of compensation and remission in all cases of land required for public purposes.

No. 1030 A. of 1854.—*Notification,—Judicial Department,—Head Quarters, the 4th July,* 1854.

The following amended Schedule of rates leviable, until further orders, at the Pontoon Bridge at Agra, and the Bridge of Boats at Dehlie, from July 16th 1854, is published for general information:—

Schedule of Tolls to be taken at the Pontoon Bridge at Agra, and the Bridge of Boats at Dehlie.

No.	*Subject to Toll.*	*Rate of Toll.*		
1.	Carriage and 4 horses, -- -- -- --	1	8	0
2.	Ditto and 2 ditto, -- -- -- --	0	12	0
3.	Ditto and 1 ditto, -- -- -- --	0	6	0
4.	Parcel Cart (2-wheeled) with one horse, -- --	0	3	0
5.	Ekka, -- -- -- -- --	0	3	0
6.	Camel Carriage, -- -- -- --	0	6	0
7.	Palkee Carriage, with bullocks or bearers, -- --	0	6	0
8.	Ruth, -- -- -- -- --	0	8	0
9.	Buhlee, -- -- -- -- --	0	4	0
10.	Palkee, Meeanah or Dolee, with 8 or more bearers, --	0	6	0
11.	Ditto 6 ditto, -- -- -- --	0	3	0
12.	Ditto 4 ditto, -- -- -- --	0	1	6
13.	Ditto 2 ditto, -- -- -- -- --	0	0	6
14.	Waggon, (4-wheeled,) laden, per bullock, -- --	0	2	0
15.	Ditto, unladen, per ditto, -- -- -- --	0	1	0
16.	Hackery and 2-wheeled cart, laden, per bullock, -- --	0	2	0
17.	Ditto ditto, unladen, per ditto, -- -- --	0	1	0
18.	Elephant, -- -- -- -- --	1	0	0
19.	Camel, with rider, or laden, -- -- --	0	2	0
20.	Ditto unladen, -- -- -- --	0	1	0
21.	Horse, with rider, or laden, -- -- --	0	1	0
22.	Ditto unladen, -- -- -- --	0	0	6
23.	Tattoo, or Mule, with rider or laden, -- -- --	0	0	4
24.	Ditto ditto, unladen, -- -- -- --	0	0	2
25.	Donkies, laden or unladen, -- -- --	0	0	1
26.	Buffaloes or bullock, laden, -- -- --	0	0	4
27.	Ditto ditto, unladen, -- -- -- --	0	0	2
28.	Bullocks in droves, laden, per 100, -- -- --	1	8	0
29.	Ditto unladen, per 100, -- -- -- --	0	12	0
30.	Cows, heifers, &c., per head, -- -- --	0	0	1
31.	Sheep, swine and goats, per head, -- -- --	0	0	½
32.	Ditto ditto ditto in droves, per score, -- -- --	0	0	2
33.	Foot passengers, with or without loads, -- --	0	0	2
34.	Foot passengers, crossing the bridge daily, -- --	0	0	1

No. 1262 A.—To Commissioners of Divisions, including Saugor, Kumaon and Ajmere.—*Judicial Department,—dated the* 19*th July* 1854.

With reference to your letter of the* with enclosures, in reply to the Circular Order of the 19th January, on the subject of Thannah records, I am directed by His Honor the Lieutenant-Governor to communicate the following instructions for the guidance of the Magistrates under your control, relative to the preservation, or destruction of such records.

* Dehlie, 27th March, No. 59.
Meerut, 13th April, No. 55.
Rohilcund, 1st June, No. 57.
Agra, 7th March, No. 35.
Allahabad, 25th April, No. 101.
Benares, 15th February, No. 22.
Saugor, 27th March, No. 65.
Kumaon, 13th March, No. 47.
Ajmere, 14th February, No. 56.

Number.	*Name of Record.*	*Orders.*
1	Volume of Regulations and Acts of Government, -- -- -- -- -- --	These will be permanently retained in the thannahs.
2	Circular Orders enjoining rules of procedure issued by Superintendents of Police or Magistrates, -- -- --	
3	Registers of Proclaimed Offenders,	
4	List of villages. Village watchmen and proprietors in the Form 6, of the Appendix to Regulation XX. of 1817, -- -- -- -- -- -- -- --	This is a record permanent in its nature, though varying from time to time as to the names of proprietors and watchmen. It should be kept on a tabular form, with columns for the entries of yearly changes; say for 10 successive years, and after the close of 10 years, the first tabular statement should be destroyed, and a new one substituted; and so on after each term of 10 years.
5	Register of Heinous offences, --	To be kept for 10 years.
6	Books containing copies of Lists of stolen property, -- -- -- --	
7	Diary, -- -- -- -- -- -- --	To be kept for 2 years only.
8	Book of copies of Urzees and Returns, -- -- -- -- -- -- --	
9	Book of copies of perwanahs and orders, (not being Circular Orders recording rules of procedure) from the Magistrate or Superintendent of Police, -- -- -- -- -- -- --	

2nd.—Before the 15th January 1855, and similarly before the same date in January at each year, thereafter, the records to be destroyed under the foregoing orders must be forwarded from the thannahs to the Magistrate's office, where, if not made over to the Jail Paper Manufactories, they should forthwith be burnt.

3rd.—You will be careful to enjoin upon Magistrates that the regular execution of these orders shall be always notified by them in their Annual Police Reports to your office, and you will notice the same in your similar reports to the Government.

5th.—Separate instructions will be issued regarding the preservation of the Files of *Gazettes*, upon the result of enquiries which are now in progress as to the most convenient form of preparing *Gazettes* for circulation to the tehseelee and thannah office.

No. 573 A.—*General Department,—the 19th July* 1854.

WITH reference to instructions from the Government of India, Home Department, dated the 3rd instant, it is hereby notified that applications for Furlough from Civil Servants, employed within the North Western Provinces, should be made direct to the Government of Bengal, a copy of every such application being sent for information, together with the application for leave to be relieved of office held under this Government.

No. 1323 A.—*Resolution.—Judicial Department,—Head-Quarters, the 28th July* 1854.

READ again the Resolution of this Government, dated 10th March 1853.

Read also the Resolution of the 3rd September 1853.

Read also the Proceedings of the 8th December 1853.

On the 10th July 1854, the jurisdiction in Criminal trials and appeals from the district of Jaloun, (inclusive of the Pergunnahs Calpee and Koonch,) theretofore vested in the Judge of Banda, was directed to be transferred to the Superintendent of Jaloun and Jhansi.

The criminal trials and appeals from the district of Jhansi were also directed to be heard and decided by the same officer; these powers being exercised by him, under the control of the Court of Nizamut Adawlut, who were vested with the same powers in both the Jaloun and Jhansi districts, as are held by them in regard to the Saugor and Nerbudda Provinces.

The Resolution of the 3rd September last having placed the revenue management of Jaloun under the control of the Sudder Board of Revenue, the district of Jhansi, and the diamond tract of Myra, are now similarly placed under the control of the Board: and orders, which may have been already passed by the Board in regard to the revenue affairs of any of the tracts mentioned in this Resolution, are to be considered as having been within their jurisdiction.

The Pergunnahs of Muhoba and Jeitpoor, having been, by the Resolution of the 10th March 1853, annexed to the district of Humeerpoor under the control of the Commissioner, acting in direct correspondence with the Government, are also hereby placed under the superintendence of the Sudder Board of Revenue, with whom the Commissioner of Allahabad will communicate on all subjects requiring reference to higher authority.

The control of the Nizamut Adawlut will extend to the Muhoba and Jeitpoor Pergunnahs, in like manner as to Jaloun and Jhansi, the criminal trials and appeals

from these Pergunnahs being decided by the Sessions Judge of Banda, as directed by Orders of the 8th December last.

Order.

Ordered, that the above Resolution be published in the *Agra Gazette*, for general information and guidance, and that copies be communicated to the Sudder Court and Board for record.

CIRCULAR No. 1367 A.—*To* COMMISSIONERS OF DIVISIONS.—*Judicial Department,—*

Dated Nynee Tal, the 3rd August 1854.

IN continuation of my letter No. 1262 A., dated 19th ultimo, I am directed to forward, for your information, the accompanying copy of a letter from the Inspector General of Prisons, dated 21st instant, No. 125, reporting on the method now pursued by Magistrates under the direction of his office, in issuing the Lithographed proclamation for the apprehension of escaped convicts.

2nd.—His Honor desires me to state, that it would probably be convenient and advantageous to adopt a similar practice in the issue of proclamations for the apprehension of accused parties who have evaded the search of the Police.

3rd.—You are requested therefore to issue the necessary instructions to the Magistrates of your Division for the purpose. Orders will be given to the Superintendent of the Agra Central Jail, through the Inspector General of Prisons, in regard to compliance with requisitions from the Magistrates for supplies of the required printed forms.

4th.—The half-yearly sheets of re-issue of Proclamations for general distribution throughout the provinces in cases in which the first Proclamations have been unsuccessful, will be sent by the Magistrates for your counter-signature, before being forwarded by them to the Central Jail, with a view to being printed.

5th.—By these means the important subject of the number of proclaimed offenders, who have continued to escape capture, will be brought distinctly under your review.

No. 125.—*From* INSPECTOR GENERAL OF PRISONS, *North Western Provinces, to*

SECRETARY *to the Government of the North Western Provinces,—*

Dated Nynee Tal, the 21st July 1854.

I HAVE the honor to acknowledge the receipt of your letter No. 1261 A., of the 19th July 1854, calling for a report on the method now pursued by Magistrates under the direction of this office, in issuing Lithographed Proclamations for the apprehension of convicts who have escaped from Jail.

2nd.—In reply, I beg to inform you, that the following is the outline of the rules which were published on this subject in the *Agra Government Gazette* of the 23rd August 1853.

3rd.—Immediately upon the escape of a convict, a vernacular proceeding is addressed to the office by the Magistrate, reporting the circumstances in the following Tabular form:

1.	2.	3.	4.	5.	6.	7.
Name of convict, father's name, caste, village to which he belongs, Pergunnah and Zillah.	Crime of which he was convicted, sentence and date of sentence.	Detailed circumstances of escape.	Amount of reward for apprehension proposed by Magistrate.	Description of the convict's personal appearance.	Number of Ishtihars, required by Magistrate.	Remarks by Magistrate mentioning any districts not contiguous with his own, in which he considers it advisable to give publicity to the proclamation.

4th.—This report, after being countersigned by the Inspector General, is transmitted to the Superintendent of the Central Prison at Agra, by whom the required number of copies (specimens of which are enclosed) is struck off upon yellow paper, and forwarded direct to the Indenting Officer.

5th.—At a close of each half-year, all unsuccessful Proclamations are to be reprinted in a large sheet, and distributed throughout the Provinces, by which means a perpetual register of all convicts, who are at large, is in the hands of every Police Officer.

6th.—The system has not been long enough in operation, to enable me to speak decisively of its results; but the following statement of convicts who escaped and were re-captured in 1853, shews at least that considerable activity has been displayed, and with greater success than has been attained in former years; the number re-captured having amounted to 137, while the average re-captures of seven previous years, was only 98 per annum.

Statement of escapes, and re-captures of Prisoners in 1853.

Escapes					Re-capture	
From Jail.	When working outside the Jail.	From Hospital.	From Gangs cantoned at a distance from the Jail.	Total.	Of 1853.	Of former years.
13	63	1	83	160	104	33

No. 1390 A.—*Notification.—Judicial Department,—the 7th August* 1854.

THE Notification, No. 373 A., dated the 22nd March 1854, defining the limits within which the provisions of Act XVIII. of 1853 should have effect, with reference to the Cantonment of Allahabad, is amended as follows:—

Northern Boundary.—The Ganges from the village of Mhow on the right bank, to the village of Ibraheempoor on the left bank.

Eastern Boundary.—A line drawn from the village of Ibraheempoor to Chuck Julal, and continued, as before notified, through Doorjunpoor and Bhundooka by the Gokula Nullah to the Ganges at Bhutkar Khas.

No. 1407 A.—*To* COMMISSIONERS OF AGRA, ALLAHABAD, MEERUT, DEHLIE, AND ROHILKUND.—*Judicial Department,—Dated Head-Quarters, the 8th August* 1854.

WITH reference to Clause 10, Section 26, Regulation XX. of 1817, I am directed to request, that you will, in future, submit for each quarter* all applications received from Magistrates for the sale of the movable property of criminals, who have evaded process in one quarterly statement for all the districts of your Division.

*1st January, 1st April, 1st July, and 1st October.

CIRCULAR No. 1415 A.—*To* COMMISSIONERS OF DIVISIONS.—*Judicial Department,—Dated Head-Quarters, the 10th August* 1854.

I AM desired to inform you, that, with reference to the practice long established under the Bengal Government, and to the great advantage of enabling Commissioners to act with promptitude in such cases, the Lieutenant-Governor is pleased to empower them to grant rewards for the apprehension of criminals, to an amount not exceeding Rs. 500, without reference for sanction.

2nd.—Commissioners will of course be careful to apportion the rewards authorized by them, within the above limit, according to the gravity and special circumstances of each case.

3rd.—Full reports of the particulars of all offences, for the apprehension of the perpetrators of which the offer of rewards exceeding Rs. 100 is sanctioned by Commissioners under the enlarged discretion now committed to them, will still continue to be made without delay for the information of Government, so as to keep the state of the country, and the course of the Police administration, fully in its view.

No. 3521 B.—*To* COMMISSIONERS OF DIVISIONS, *except* AGRA AND KUMAON.—*Judicial Department,—Dated Head-Quarters, the 11th August* 1854.

I AM desired to forward, for communication to the Magistrates subordinate to you, the accompanying copy of paragraph 12 of the Police Report of the Agra Division, for the past year, with a copy of a Memorandum by Mr. M. R. Gubbins, late Magistrate of Agra, and its enclosures, on the subject of measures adopted by him, with much success, for the improved cleanliness of the city of Agra:—

Extract paragraph 12 *of the Police Report of the Agra Division for the year* 1853.

12*th*. Mr. Gubbins' measures to suppress Infanticide have already received the Lieutenant-Governor's warm approbation. I annex his Memorandum* on a very different, and much less interesting subject, City Conservancy, but reflecting much credit on his zeal and activity, in removing what was, no doubt, and always must be in a large town, a public nuisance, by very judicious arrangements, as to the utility of which I have heard but one opinion.

* No. 17, dated 6th February 1854.

Memorandum upon the Conservancy of the City, Suburbs and Station of Agra, by MR. M. R. GUBBINS, *Magistrate.*

Up to 1850, the city of Agra and its environs, were in a very filthy state. They are now, compared with other stations, unusually clean. The measures by which this change has been effected, have extended over the past four years, and may now be said to be altogether, or very nearly, complete. A short account of them may be useful, as showing how some offensive habits of the natives may be gradually changed, and may assist the introduction of similar reforms elsewhere.

2*nd*. The dirty condition of this city and station, had its origin in two practices, both of which are opposed to proper conservancy.

First.—The city scavengers *(Bhungees)* used to throw the filth of their sweepings into the ravines bordering on their several mohullas, close to the populous quarters of the city, and to the public thoroughfares. Large heaps of filth were accumulated at these "*dullaos*," or dung-hills, which poisoned the air, and generated sickness in the neighbourhood, and remained, many of them, uncleared for years. Some indeed were swept away by the floods, which pour through the ravines during the rainy season: but where not situated in the bed of a ravine, the heap remained, diminished only by portions of the oldest and least offensive matter removed for the melon cultivation to the sands of the Jumna.

Second.—"That part of the native population which possesses no private accommodation of this kind in their houses, as well as travellers and strangers generally, resorted to the broken ground and nullahs outside the city, to relieve the wants of nature. The extent to which this offensive practise obtained, would now surprise one. Public decency used to be openly shocked by the matutinal resort of people indiscriminately to every patch of broken ground, in the heart of the Civil Lines, and other parts of the station, everywhere bordering on public roads and frequented drives, and adjoining the premises of European residents."

Extract from paragraph 17 of my Police Report No. 19, dated 14th May 1851.

3rd. The measures taken from 1850, to the present time, to remedy this state of things, have been described in the letters addressed by the Magistrate to the Commissioner, and in the Minutes recorded in the Local Agency Department, as noted in the margin.* The following extracts from these papers will throw light upon the subject.

1. Magistrate's Police Report, No. 19, dated 14th May 1851, paragraph 17.
2. Ditto ditto, No. 18, dated 22nd April 1852, paragraphs 18 and 19.
3. Ditto ditto, No. 20, dated 18th March 1853, paragraph 12.
4. Letter No. 31, dated 8th April 1853.
5. Minute submitted by the Magistrate to the Local Agents of Agra, on the 15th July 1851.
6. Ditto ditto, dated 12th May 1853.
7. Letter to Brigadier Lloyd, C. B., Commanding at Agra, No. 292, dated the 15th November 1852.

Extract from Paper No. 5, *dated* 15*th July* 1851, *paragraphs* 3 *to* 5.

3*rd*. "I constructed a number of Cess Pools, in shape like a grain-pit, and "they were found to answer well for receiving the cleansings of the city made by "the sweepers; but they did not answer as public privies, the people not taking

" to them, and it being found impossible to dig a sufficient number of them. I was " therefore obliged to confine my orders prohibiting " nuisances" to the immediate " vicinity of the Public Roads.

4th.—" The measures adopted, however, very visibly diminished the nuisance " from which the environs of Agra suffered so greatly before, especially by the cleans- " ings of the city being deposited in the Cess Pools.

5th.—" This year again the conservancy measures have been renewed, and with " greater success; the following plan having been adopted:—

(1.) " A suitable spot of ground being selected, is enclosed with a kutcha " wall, protected on the top with tiling, and carefully plastered. The space enclosed " is well levelled and beaten down, and sufficient water escape is provided.

(2.) " A row of pucka receptacles, constructed of masonry, faced with stone, " is then built, having a pucka channel running down the front, which communicates " with

(3.) " A Cess Pool, which is dug at the corner or side, and outside the enclosing " wall, protected with a masonry top, and closed by a wooden trap door, into which the " sweepings of the pucka receptacles are thrown every forenoon and evening, the " whole place being well washed down with water. These arrangements are found to " answer really well Where they have been made, neither men nor women will be seen " outside. A number of these enclosures have been constructed; many more are " being made."

4th. Extract paragraph 5 from the Magistrate's Minute, dated the 12th May 1853:—

" Those who remember the state of the city environs, and the station of Agra in " 1850, as respects conservancy, will readily acknowledge the great change for the " better which has been effected. Now, it is a rare thing to see public decency violated; " then, it was everywhere the rule. Some idea may be formed of the extent to which " these measures have affected the habits of the people, when it is stated, that on the " 31st March last, an enumeration was made of the total number of persons who made " use in one day of these enclosures, which yielded a total of 20,408. It is impossi- " ble but that the healthiness of many localities, and of the station generally, must " have benefitted greatly by this change."

In this Minute the Magistrate proposed for the local Agents' approval, that a second grant of Rs 1,000 should be made from the Agency funds. All the Agents concurred in recommending it, recording the following remarks; viz.

Remarks by Dr. Murray, Civil Surgeon.—" It is a move in the right direction; I concur."

Ditto by Mr. Charles Grant, Civil Service.—" Have we any accounts shewing the " cost in detail of each enclosure. A clear statement of the total cost, together with " a description of the working of the system, would be useful, and may be required for " the guidance of the Magistrates of other districts. I agree to the proposed applica- " tion for Rs 1,000."

Ditto by Captain G. L. Cooper, Artillery.—" I agree to the motion."

Ditto by Mr. P. B. Reid, Deputy Collector.—" I concur. The good obtained by the enclosures is evident."

5th. In briefly describing further the system pursued, the subject must, be divided into two heads; viz.

First.—Provision for the accommodation of travellers, and the poorer classes generally, who do not possess private conveniences in their dwellings.

6th. The first was found to be a matter of great difficulty. At first, as has been seen from the above extracts, pits, wide at bottom and narrow at the mouth, were dug, resembling khuttahs, or native grain pits, into which the filth of the city sweepings was thrown. But experience showed that these were soon filled, and could not

be emptied, and the expense attending the construction of new pits, prevented this system being continued. I am not sure, but that it might have answered well in some locales, had a more careful serveillance been exercised over the sweepers. For the pits were filled, not only with filth, but with rubbish of all sorts, picked up in the city sweepings, such as ashes and other refuse, which not being offensive, need not have been thus put out of the way. The plan however was given up, and in lieu of it, two sites were selected, one at the northern, and the other at the southern extremity of the city, away from all dwellings, where the sweepings should be collected; but here again a formidable difficulty presented itself. In the city of Agra the practice did not obtain of the sweepers being provided with any means of carriage. In Furruckabad, and some other towns, they have bullocks, on which the city sweepings are loaded and carried to a distance. Here they always carried it in baskets, themselves. The facility of throwing the filth into the nearest nullahs, no doubt was the cause of no carriage being used. But the case became different when they were required to convey it to a distance, and the grievance thence arising, led to a strike in April last. The sweepers unanimously struck work, demanding a return to the old practices, or an increase of their dues. Attention to their demands was promised, and since then, the dues which they receive from the citizens, have been subjected to revision, which has been completed for all but thirteen mohullahs of the city. It becomes therefore necessary to notice what these duties consist of.

7th. The right or "*birt*" of cleansing in a mohullah, or division of a mohullah, is one vested in certain sweepers, and is hereditary and transferable by sale or mortgage. This fact was brought to the notice of Government by Mr. F. H. Robinson, when Magistrate of Furruckabad, in a memorandum drawn up on the subject of the Furruckabad conservancy. The birt bhungee does not always sweep himself, but frequently employs a servant to do so, who receives half the monthly money allowance and the "rotee" or food, which is given either daily, or every third or fourth day. The "dues" ordinarily received by sweepers are

1st.—Daily, or every third or fourth day.

2nd.—Monthly.

3rd.—On certain domestic occasions; and

4th.—On certain annual festivals.

The daily dues are paid by all, and consist of food (rotee,) and are reckoned by the number of "rotees" or "bread cakes" given daily, or every third or fourth day.

The monthly dues consist of a money payment; viz. of a certain number of pice per mensem, and are paid by all. The third description of fee is paid by all classes, Hindoos and Mahomedans, on the occasion of the marriage of a son or of a daughter, when a fee of one rupee or eight annas, and a turban or other cloth in lieu thereof, is presented. Also on the birth of a son, ten pice,—and half that sum on the birth of a daughter. Besides which, among the Hindoos, on the occasion of a "gummee" or "death," the sweeper receives eight pice per rupee, on the charge incurred in purchasing wood for the funeral pyre, and two pice per rupee on the cost of the shroud. Also, the birtwalla bhungee "divides with the ghaut bhungee" the shroud itself, which is sometimes of costly materials. Among the Hindoos also, on occasion of a feast, the sweeper receives all the leavings of the repast. The fourth due, is, a present received regularly from the Hindoos on the occasion of the Holee festival, varying from four annas to one rupee. The Mahomedans do not pay this.

8th. The raising of these dues was effected by the City Chowkeedaree Buxy, who has been the main agent in all these conservancy measures, assisted by the punches of the several mohullahs, under the superintendence of Kowur Kalka Pershad, Deputy Magistrate. An increase was obtained on every family, where the payment was really found disproportionate to the duty; but where the payment was already sufficient, the

sweepers made no claim to increase. The increase obtained, is shewn in the annexed Tabular Memorandum No. 1., amounting to 46,066 " rotees," and Rs. 109-0-3 monthly. This, added to the sum of Rs. 50, paid from the gross city chowkeedaree, which had been before assigned to them, and a receipt of about Rs. 25 per mensem obtained from the sale of manure, has satisfied the sweepers. The work is now done regularly. The sweepings are carried to the two distant sites at Khyradee Tola, south, and beyond the Neem Durwaza, north of the city, as indicated in the accompanying Map, marked No. V., and the manure is sold from these sites by the sweepers.

9th. It appears singular, that no receipts, to any extent worthy of notice, had been obtained by the city sweepers from the sale of the manure prior to the introduction of the conservancy measures. Yet such is the fact; and yet its present value is estimated at Rs. 300 per annum. It seems that it lay scattered and neglected, and removable by any one who cared to do so. The parties thus removing it, gave the sweepers a few melons or vegetables in return. By the recent measures, the manure was husbanded and collected; and at several sales, which were held by order of the Magistrate, sums of Rs. 100 and 110 were obtained at auction. Now the disposal of it has been placed in the hands of the sweepers, and they have learnt to turn it into money.

10th. The nuisance committed by strangers, travellers, the numerous class of domestics of European residents, and generally all the poorer classes, not possessing accommodation in their private dwellings, was checked, and provided for in the following manner :—The practise was prohibited by public notification, at first within 100 yards, and within sight of any public road or thoroughfare; and the Police were required to enforce the prohibition by stationing Police men, morning and evening, all along the most frequented locales. They were instructed to warn off and drive off persons from them. After a while, breach of these rules was punished by a fine of two annas, exacted from any person found so trespassing, for which purpose, his lotah was secured, and deposited in the thannah till payment was made. Meanwhile accommodation was being gradually provided in all quarters, while those who objected to use that accommodation, and possessed the means, provided for their individual wants by the addition of private accommodation to their dwellings. The number of " sundasses," so added, has been great. The European residents of the station were moved by Circular, to lend their aid in suppressing the practice, by constructing places of convenience for the use of their servants within their own compound as had been practised by Mr. P. R. Reid, Deputy Collector, and others, before the introduction of these measures. The plan recommended, was simply a deep pit, wide at bottom, and narrowing to three or four feet at the top. Its depth was from 15 to 20 feet. The top was protected with masonry and stone, and it was surrounded by a screen wall—occasionally a few baskets of quick lime or common salt thrown in was all that was necessary. The suggestion was very generally adopted by the residents, and these arrangements continue, in pretty general use, at the present time.

I may mention that among the Goozuratee Brahmins, and some other classes, pits of this description have always formed part of the accommodation of each house. It is stated that they never require emptying or renewal, but last for generations. It is asserted that salt, thrown in periodically, dissolves and decomposes the offensive substances, which sink into the earth; I rather incline to think, that they are generally dug to such a depth, and visited by so few, that it would take a century to fill them.

11th. After the lapse of many months, and the increase of public and private accommodation, the nuisance prohibition was extended to the whole neighbourhood of the city and suburbs without exception; and for the past two years, this has been strictly enforced. Even in those quarters, which are somewhat removed from the city itself, but are ordinarily frequented by the public as thoroughfares, an

accommodation was provided, the practise has been prohibited and put down. I have experienced much cordial co-operation and assistance in this respect from the Military Authorities, particularly Brigadier G. W. Lloyd, C. B., who compelled the sepoys on duty at the Fort, and the camp followers and others residing in Namneyre, and other villages bordering on, but within the Cantonment limits, to conform to those rules, when leaving the Military precincts; and the public places of accommodation are now used by these persons, equally with others. Thus the whole civil side of the Cantonment is kept clean. Southward of Cantonments, however, which is the quarter most removed from the city, the nuisance continues; but the Military themselves only are sufferers from it.

12th. Before this practise could be effectually stopped, it was found necessary to wage war with the swine, and to place some restriction upon the herding of these animals. It is well known, that they are the scavengers of this part of India; and so long as they were allowed to roam at large over the suburbs, it was impossible wholly to put down public indecency and nuisance. With the cessation of the nuisance, the food, termed churray, of these disgusting animals, also ceased, and in consequence all the sweepers were interested in opposing the reform. It was found necessary therefore to require that the swine should be confined in pens, and to enforce this order by fines where necessary. Perseverance was successful, many pigs were sent away, and the reduced numbers were confined in piggeries. It is now rare to see one of them outside.

13th. In making provision for the wants of the public in this particular, pits were first tried, as has been mentioned in the extracts under paragraph 3, but they were not found to answer well for such extensive accommodation as was needed. Each pit afforded accommodation to two persons only at the same time, so that the number required would have been enormous. Further, it was found impossible to keep them sweet, and they filled rapidly and could not be emptied, so that the plan was necessarily abandoned, and that of enclosures, as described in extract (1 to 3) appended to paragraph 3, substituted in its place. This system has answered admirably, the number of enclosures has gone on increasing, until there are now 89 of them, viz. 41 for males, and 48 for the use of females. These are always kept thoroughly distinct and separate, and no single complaint has reached me of improper intrusion into the latter. Appended, marked Nos. 3 and 4, are plans of 2 male and 1 female enclosure, which will sufficiently explain their size and mode of construction. It will be noticed, that the arrangements secure complete privacy to each male visitor, while the area of the female enclosures, is all open. This is quite contrary to European ideas, but in thorough conformity to those of the people of this country. When the female accommodation was first being provided, I proposed to screen off each division; but I was assured by the people, that it was quite unnecessary, and that those for whose use it was intended, would much prefer it being left open again. When I contemplated a similar open accommodation for the men, I was informed that it would never do, and that complete privacy was indispensible. So necessary it is in India, to modify the idea which we bring from Europe.

14th. The appended Statement No. 11 furnishes all necessary particulars respecting these enclosures. It will be seen that they have cost on an average Rs. 64-8-0 each, the total charge being Rs. 5,745-11-5, which was obtained from the following sources:—

Collected from the Citizens, -- -- -- -- -- -- --	Rs.	2,930	6	5½
Grants from the Local Agency sanctioned by Government, --	„	2,191	13	8
Charged to the City Chowkeedarce Funds, -- -- -- --	„	520	11	8½
Amount of fines for breaches of conservancy rules, -- --	„	102	11	7
Total,	Rs.	5,745	11	5

The collection of the first item amounting to nearly Rs. 3,000, was not easy; and as it could not be enforced, much caution and tenderness had to be used in obtaining it. The Citizens were informed that the nuisance must cease; and that if they would contribute a share of the charge for providing accommodation, the rest would be taken from the public funds; and payment was thus obtained, although slowly and with some reluctance. It should be mentioned that the assistance of prison labor was given for several of the enclosures, by which the cost has been proportionately diminished. The cost of those, of which plans (Nos. 3 and 4) are furnished, is noted upon them.

15th. When this system was first introduced, the enclosures were swept out and cleansed twice a day, viz. in the mornings and evenings, a sweeper being appointed to each, who received a monthly allowance of one rupee, or twelve annas; since then it has been improved by the permanent allocation of the sweepers on the premises, which they are required, and do actually keep *constantly* clean; sweeping after every visitor. They have been authorized to charge six cowries to every visitor, and necessarily remain constantly in attendance to collect their dues; all strangers, and travellers, indeed all but the established resident householders pay this charge. The latter class have compounded by some increase in the monthly fees of the sweepers, as noted in paragraph 7. The enclosures thus are, or should always be, kept perfectly clean, and in a state which need not offend any visitor.

16th. I believe that this system has taken root among the people, and that a little ordinary attention on the part of the Magistrate, to check nuisance, will in a year or two effect a cure of the former very objectionable native habit; already it is thought that some change may be noticed. In the last rainy season, part of the wall of one of the enclosures fell, and the people of the quarter complained loudly to the Magistrate of the "Exposure." On being advised to repair to the nearest adjoining enclosure, they stated that they would not be allowed to do so, as the use of these places was held the private property of each mohulla, and that interference would not be permitted. When it is remembered that till 1850, exposure was universal, and nothing thought of, some change of feeling must be admitted.

17th. The system, which I have thus described, now works in this city, its suburbs and station, without any difficulty, and occasions no trouble. The advantages resulting from it, to public comfort and health, require no comment. I shall be glad if the example thus afforded of what may be effected to improve conservancy, should lead to like efforts and results at the other stations and cities of these Provinces.

STATEMENT

No. I.

Statement of the Number of, and work performed by, the Sweepers of the City of Agra, with their former and present increased dues.

Total number of Sweepers employed in scavenging.	Total number of Houses under their charge.	Average daily number of baskets full to be carried away.	Names of the sites in which the Sweepers are collected.	Amount of dues formerly received by the Sweepers.		Increase of monthly dues now obtained.								Amount of present monthly dues.			
							In Money.								In Money.		
							Paid by Citizens.			Other sources.							
				Number of Roties.	In Money	Number of Roties.	By Mohulla house-holders.	Estimated amount of cowries monthly received at the enclosures.	Total.	From the City Chowkeedarce.	By sale of manure.	Total.	Grand Total.	Number of Roties.	Paid by the Citizens.	From other sources.	Total.
318	13905	1854	1st.—At Khyradee Tolla, south of city. 2nd.—In Ghutwasun, north wards.*	173259	374 0 9	46066	109 0 3	58 3 0	167 3 3	50	25	75	242 3 3	219325	541 4 0	75	616 4 0

M. R. GUBBINS,

Magistrate.

Agra Magistracy,
The 4th February, 1854.

* A site was in vain sought centrically placed on the west side of the city, but none could be found sufficiently removed from inhabited quarters.

No. II.

Statement showing the number and cost of the public Enclosures, constructed in the city and suburbs of Agra.

Total Number of Male Enclosures.			Total Number of Female Privies.			Total Number of public Enclosures.	Total Expenditures.					Average cost of each public Enclosure.	Remarks.
Number of Enclosures.	Number of Seats.	Average Number of seats in each Enclosure.	Number of Enclosures.	Number of Seats.	Average Number of Seats to each Enclosure.		Amount paid from Chowkeedaree Funds.	Amount granted by Government from the Local Agency Funds.	Amount collected from the Citizens.	Amount of Fines imposed for breach of Conservancy.	Grand Total.		
*41	*500	12½ less	48	1162	24½ less	89	520 11 8½	2191 13 8	2930 6 5½	102 11 7	5745 11 5	†64 8 11½	* It is likely that these may have in some locales to be increased. † N. B.—Many of the larger Enclosures have cost much more than this average sum.

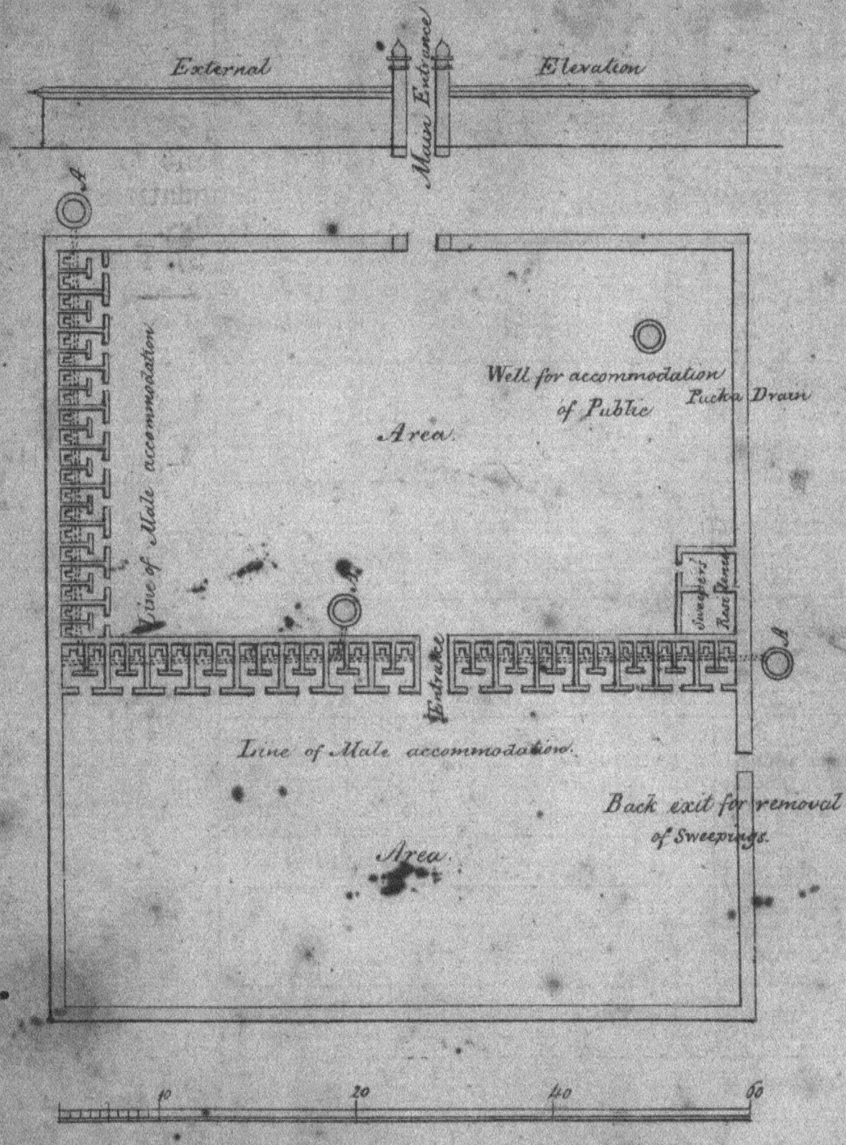
M. R. GUBBINS,

Magistrate.

Agra Magistracy,
The 4th February, 1854.

No. III.

Plan of the public Enclosure for Male accommodation only at the Amorsing Gate of the Fort.



MEMORANDUM.

1. Extent of accommodation for 50 persons.

2. Total Cost, exclusive of prison labor, Rs. 345-8-9.

3. Average Monthly Receipts of the Sweepers from the cowrees paid by visitors, Rs. 4.

N. B.—The cleansings are removed in baskets by the Sweepers themselves to the general southern receptacle near to Khyradee Tolla.

The work colored yellow is mud or kutcha work.

That colored red is of pucka brick: the seats being throughout faced with stone.

M. R. GUBBINS,

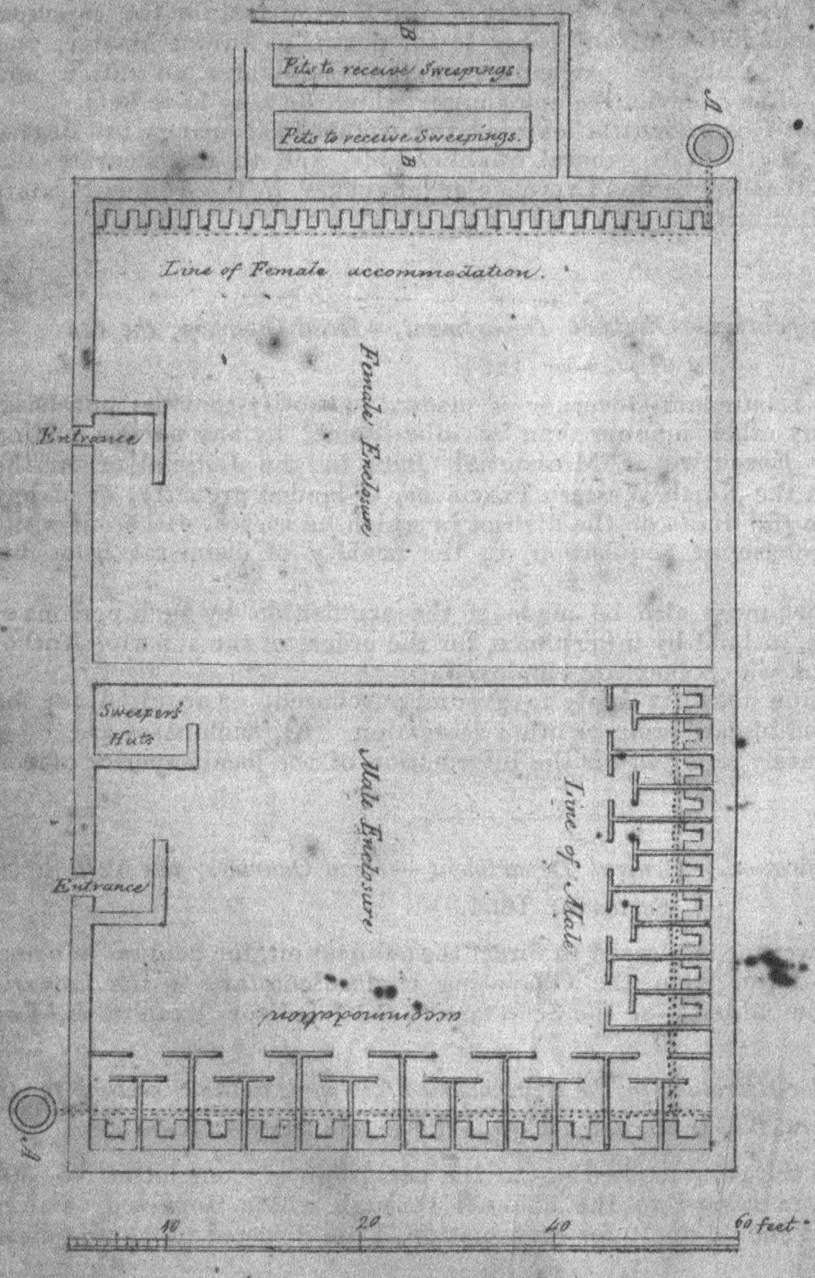
Magistrate.

A A A. Pucka receptacles for the water used in washing down the drains.

Selection of Pits B B to receive sweepings.

No. IV.

Plan of the two public Enclosures for Male, and Female accommodations at the village of Namneyre, adjoining the Military Cantonment of Agra.



MEMORANDUM.

Extent of accommodation for 22 Males.
Ditto 27 Females.

Cost of erection, besides prison labor, Rs. 145-12-0.

N. B.—The cleansings are removed into the open Pits B B, and earth daily thrown in.

The part colored yellow is mud or kutcha.

That colored red is of pucka bricks; the seats being throughout faced with stone.

M. R. GUBBINS,
Magistrate.

A A. Pucka receptacles for the water used in washing down the drains.

N. B.—These have been constructed to allow of their being easily emptied when they become full: a little earth is daily thrown in, they are less secret than the khuttas, because open, the former being closed.

CIRCULAR No. 732 A.—*To* SECRETARIES, LOCAL COMMITTEES PUBLIC INSTRUCTION, *North Western Provinces.—General Department,—Dated Head-Quarters, the* 12*th August* 1854.

ON the occasion of proposing, on the part of the Committee, for the sanction of the Government, the nomination of any party to the post of a Junior Master, you are requested invariably to state the particulars of the Candidates education and acquirements, as well as of any previous employments which he may have held.

2*nd*.—The Lieutenant-Governor attaches much importance to securing a full degree of fitness and efficiency, both as to general qualifications, and to an accurate and competent knowledge of the English and vernacular languages, in the Junior Masters of the Government Institutions.

No. 1662 A.—*Notification.—Judicial Department,—Head Quarters, the* 6*th September* 1854.

THE Honorable the Lieutenant-Governor is pleased to notify that the purchase, or the acquisition in any other manner than by inheritance, by any person holding a Judicial post, or any Executive or Ministerial Office in the Judicial or in the Revenue Department in the North Western Provinces, of landed property, or of any interest in land, within the limits of the district in which he serves, will subject the party making such purchase or acquisition, to the penalty of dismissal from his appointment.

An immediate report must also be made of the acquisition by such persons of any property, or interest, in land by inheritance, for the orders of the superior Authority of the Department in which they are employed.

The above Notification does not apply to ground purchased, or acquired, for the purposes of residence, and of gardening or other recreation. All such cases are, however, to be also immediately reported for the information of the local superior officer.

No. 993 A.—*Notification.—General Department,—Head-Quarters, the* 12*th September* 1854.

THE Lieutenant-Governor is pleased to direct the publication, for general information, of the following letter from the Officiating Under-Secretary to the Government of Bengal, to the address of the Secretary to the Board of Examiners, Fort William :—

From the Officiating Under-Secretary to the Government of Bengal, to the Secretary to the Board of Examiners, No. 1855, *dated Fort William, the* 21*st August* 1854.

With advertence to the point mooted in the 2nd paragraph of your letter No. 308, dated the 5th instant, in regard to the channel through which unpassed Civilians studying in the Mofussil should apply for examination, I am directed to communicate to you as follows:—

2*nd*.—Looking at Rules 37 and 38 of the 24th January last, the Lieutenant-Governor is of opinion, that the simplest course will be for the young Civilian, to make known his wish for examination to the Commissioner or Judge under whose authority and supervision he may be studying; that Officer should apply to the Board of Examiners for the necessary Examination papers, making at the same time a request to his own Government, to nominate other Officers, in addition to himself, as a Committee for conducting the Examination.

No. 1053 A.—*Notification.—Department of Public Works,—Head-Quarters, the 21st September* 1854.

WITH reference to paragraph 8 of the Rules, dated 10th February 1841, for the administration of the Ferry Funds, the Hon'ble the Lieutenant-Governor is pleased to extend the authority of Commissioners for the sanction of any one work to be executed at the expense of the Ferry Fund, from 500 rupees to 1,000 rupees.

No. 1057 A.—*Notification.—General Department,—Head Quarters, the 22nd September* 1854.

THE Hon'ble the Lieutenant-Governor is pleased to direct that the following Rules, for regulating Leave of Absence and Deputation Allowances, be re-published for general information:—

Fort William, Financial Department, the 25th August 1854.

The following Rules for the grant of Leave of Absence for regulating Deductions from Salaries and Deputation Allowances, and for limiting the period of Service of Civil servants, will take effect in all the Presidencies and Settlements under the Government of India, from the 1st October 1854, in supersession of the Rules of the 17th May 1843.

CHAPTER I.

RULES FOR APPLICATION FOR LEAVE OF ABSENCE.

Section I.—No Leave of Absence from any Office or Station can be granted, but by the Government under which the employment is held, and on the application of the party requiring such leave, saving in such cases as may hereafter be specially excepted. The application must be made publicly through the regular channel in the Department to which the applicant may belong.

NOTE.—This Rule must be considered as superseding the Rule under which Commissioners of the Land Revenue and other Officers have heretofore been allowed to grant Leave of Absence in Bengal.

Section II.—The official allowances of the holder of a Civil Office quitting his Station without leave, will entirely cease from the date of his quitting until his return, or, in event of his subsequently obtaining leave, to the date of such leave being granted to him.

Section III.—No Leave of Absence shall have any retrospective effect, except in cases of severe illness, to be attested by Medical Certificate, conforming in every respect to the directions contained in Section V.

CHAPTER II.

RULES FOR SICK LEAVE.

Section IV.—Upon application duly made, the Government may grant Leave of Absence on Medical Certificate to any Civil Servant, to any place in India, in Europe, or elsewhere, as he may consider most conducive to the restoration of his health, without any restrictions whatever as to the places to which he may resort.

Section V.—When an application for Leave of Absence is made on the ground of ill-health, it must be accompanied by a Certificate and a Statement of the case from the Medical Officer by whom the applicant has been attended, distinctly stating, from personal observation, the nature of the disease, the symptoms by which it is manifested, the period during which it has existed, as far as the knowledge of the Medical Officer extends, and the necessity for temporary removal to some other place in India, or in Europe, or elsewhere, as laid down in Section IV.; and in case of the applicant visiting the Presidency preparatory to obtaining leave, the Certificate must be counter-

signed by the Members of the Medical Board, on their being satisfied, on a perusal of the Medical Attendant's statement of the case, that the leave applied for is absolutely necessary towards his recovery. Should the applicant's Medical Attendant be of opinion that he ought to proceed to a Sanitarium or other place without visiting the Presidency, the Certificate must, in the first instance, be counter-signed by the Superintending Surgeon of the Division in which the applicant may be located, and afterwards submitted with the statement of the case for the consideration and counter-signature of the Members of the Medical Board.

The Certificate shall be given in the following form:—

I, A. B., Surgeon at or of ——— do hereby certify that E. F., of the Civil Service, is in a bad state of health, and I solemnly and sincerely declare that, according to the best of my judgment, a change of air is essentially necessary to his recovery, and do therefore recommend that he may be permitted to proceed to Sea, (or to such place as the Surgeon may think proper, expressing it in the Certificate.)

The following form shall be observed by the Members of the Medical Board or the Superintending Surgeon, in counter-signing the Surgeon's Certificate:—

We (or I) do hereby certify, that, according to the best of our (or my) professional judgment, after careful personal examination of his case, we (or I) consider the state of health of E. F. to be such as to render Leave of Absence for a period of——— absolutely necessary (or highly desirable) for his recovery.

An application for extension of leave must, if the applicant be in India, be accompanied by a Certificate to a like effect from the Medical Officer by whom the applicant is attended, together with a statement showing sufficient reason for the extension solicited; and such Certificate must be counter-signed by the Members of the Medical Board, or by the Superintending Surgeon of the Division in which the applicant may be located, as the case may be, on perusal of the statement. In like manner, if the applicant shall have proceeded beyond the Territories under the Government of the East India Company, he must furnish a Certificate and Statement to the required effect from a Surgeon or Physician at the place of his temporary residence by whom he has been attended, such attendance, and the period of it to be stated, and the Certificate to be counter-signed by the Examining Physician of the East India Company if the applicant is in England, or if not in England, by the principal Medical authority of the Colony or Country to which the Absentee may have proceeded, or some sufficient reason stated for the want of such counter-signature, if the Certificate be not so counter-signed. The Medical Board or Superintending Surgeon, before counter-signing a Certificate as above-mentioned, must either personally examine the applicant or state some sufficient reason why they, or he, have or hath been unable to do so. When any of the required particulars are neglected, leave will be refused.

Section VI.—The following conditions will in future attach to Leaves of Absence granted to Servants who shall have resided ten years and upwards in India, and who may be declared by a sufficient Medical Certificate to require such leave for the recovery of their health.

1*st.*—The total period of absence, with the privileges hereinafter provided, shall not (save as specially excepted in Section VII. of these Rules) exceed eighteen months in the whole, nor shall it exceed fifteen months on any one occasion.

2*ndly.*—The office of the absentee will be considered to be vacated if he shall be absent beyond eighteen months altogether, or beyond fifteen months at any one time, such absence to be computed, if he shall proceed to a Sanitarium within the Presidency, from the date of his arrival thereat; if to any place beyond the Presidency, but within the Continent of India, from the date of his reaching the limits of his own Presidency; and if he shall proceed to Sea, from the date of the sailing of the vessel on which he may have embarked from any port in India, which is not more distant from

his station than the ports of his own Presidency, to the date of his arrival at any port within the Presidency to which he belongs, or at any other port which is not more distant from his station than the ports of his own Presidency.

3rdly.—The absentee will be entitled to draw a moiety of his salary, and the same will be paid to him during such period of absence, provided that he shall in no case draw a larger sum than Rupees 10,000 (£1,000) per annum, during that period. In cases in which the emolument of the absentee's office does not exceed Rupees 5,000 per annum, no deduction therefrom shall be made for the period of eighteen months, nor shall such a deduction be made in other cases as shall reduce the allowance below Rupees 5,000 (£500) per annum.

4thly.—If the absentee be compelled by the state of his health, under due Medical Certificate, to remain absent for a longer period than eighteen months, or fifteen months at any one time, he will, as before stated, vacate his appointment, but he will be permitted to receive an allowance at the rate of £500 per annum, for such further period of absence as shall not exceed the entire term of three years in the whole. At the expiration of that term, all allowance must cease until the servant's return to India.

Section VII.—If a Civil Servant of more than fifteen years' service, after having been absent on Sick Leave for eighteen months in the whole, or for fifteen months at one time, at whatever period of his service such Sick Leave shall have been taken, shall be again compelled by the same cause to apply for Leave of Absence, the Government of India and the subordinate Governments may, on special grounds, grant Leave of Absence for one further period not exceeding six months, during which the absentee may retain his office, and half his salary, under the limits above enjoined.

Section VIII.—If a Civil Servant, after fifteen years' service, shall be compelled by ill-health to apply for further Leave of Absence, he may be permitted on special grounds to obtain it, but his absence will involve the loss of office and salary; the Government of India and the subordinate Governments will however, respectively, exercise a discretionary power to grant, in such last-mentioned cases, a sick absentee allowance, not exceeding Rupees 5,000 or £500 per annum, for a further period not exceeding twelve months.

Section IX.—Junior Civil Servants, who may be compelled by sickness, certified as aforesaid, to quit their stations before the completion of ten years' residence in India, will be allowed to be absent for eighteen months in the whole, or fifteen months at any one time. They will not retain their' appointments, but they will be permitted to draw, during this period an allowance at the rate of £250 per annum as at present; and if any Junior Servant, absent as aforesaid, be prevented by the state of his health, under due Medical Certificate, from returning to his duty at the end of the periods above-named, he will be permitted to continue absent for a further term, not exceeding eighteen months, with the same allowance.

Section X.—A Junior Civil Servant, having enjoyed either of the above-named advantages, will not be entitled to the Leave of Absence provided for Servants of more than ten years' service, after he shall have attained that standing, but if after he has attained it, he shall be compelled again by ill-health to quit his station, and provided that his former periods of absence shall have fallen short of three years in the aggregate, he may be permitted, under Medical Certificate, to receive a further Leave of Absence for such a period as shall make up the entire length of absence to three years, and during that additional period he shall receive an allowance at the rate of £500 per annum. He will however be entitled, after fifteen years' service, to the benefit of the special leave authorized to be granted according to Sections VII. and VIII. of these Rules.

Section XI.—None of the above-mentioned Rules will be applicable to Members of Council. Each Member may, however, with the special sanction of the Government

be permitted to be absent, under Medical Certificate, for a period not exceeding six months, retaining his office and receiving half his salary, which shall be paid to him during such absence, but if his absence shall exceed six months, his office will be vacated.

Section XII.—Civil Servants who may desire to draw their allowances while absent on account of sickness under the above Rules, will be required to give security in such amount and form as may be fixed by the Government for the refund of any excess that may be drawn either by the Agents at the Presidency or by themselves in case of their coming under retrenchment.

CHAPTER. III.

Rules for short Leave on Private Affairs.

Section XIII.—The Government may grant to Civil Servants Leave of Absence to any place or places in the Continent of India, whether within the Territories subject to the Government of India or not, or to proceed to the Island of St. Helena, the Colony of the Cape of Good Hope, or to any place situate between the 36th degree of North latitude and the 50th degree of South latitude, such place being likewise between the 30th and the 180th degrees of longitude East of Greenwich, excepting however any Islands in the Mediterranean or Levant, and excepting all places within the said geographical limits which may form part of Europe, for one month in each year, without deduction from the salaries and emoluments drawn by such Servants—such leave, however, will only be granted when the Government is satisfied that no inconvenience will arise from the departure of the Officer seeking it. No second leave can be granted under this Rule until the completion of eleven months from the expiration of the last leave; but Servants not availing themselves of the indulgence in any one year, may obtain, under the like conditions, Leave of Absence for two successive months, to commence at or after the expiration of twenty-two months from the termination of their former leave; and if two years elapse without enjoyment of the privilege, leave for three months may, in like manner, be granted at the expiration of thirty-three months from the termination of the last preceding leave; but no leave shall be granted under this Rule for any period exceeding three months. If an Officer shall not return at the expiration of the period of leave granted him under this Rule, he shall forfeit all pay and allowances during the time of his remaining so absent without leave, and if he shall so continue absent for more than one month beyond the term granted, his office shall become vacant.

Civil Servants absent from their stations under Medical Certificate cannot be admitted to leave under this Rule in continuation of their sick leave; and if, while absent under this Rule, they be granted extended leave under Medical Certificate, they shall be considered liable to the Rules applicable to Leave of Absence on Medical Certificate for the whole period of their absence.

Civil Servants who have been absent on Medical Certificate during any portion of a calendar year are not entitled to leave under this Rule during that year; but in determining the interval necessary to entitle a person to leave under this Rule, no reference will be made to any intermediate Leave of Absence that may have been granted under Section XV.

Section XIV.—As a general Rule, when leave is granted under Section XIII., such leave will be in one period only, whether for a whole month or less, and not in detached portions to complete one month within the year, and the term year shall be held to mean the calendar year commencing with the 1st of January and ending with the 31st of December, but as an exception to this Rule, it shall be discretional with the several Local Governments, where good cause is shown for the indulgence, and it is attended with no public inconvenience, to sanction Leave of Absence under this

Rule, to such parties as may not have occasion to apply for the whole at once, in instalments, not to exceed in the aggregate one month within the calendar year, on the understanding that no leave can be granted for any fresh calendar year until the completion of three months from the expiration of the entire leave or of the last instalment of leave taken in the past calendar year.

Section XV.—The Government may, on sufficient cause being shown, grant to a Civil Servant special Leave of Absence on Private Affairs for three months, to any place or places within the limits mentioned in Section XIII., provided, however, that if any Officer to whom such leave shall be granted shall be absent from his station for any period exceeding that to which he may be entitled without deduction, under Section XIII., the absentee shall, for the period in excess, draw no more than one-half of his salary and allowances. After an absence of three months (exclusive of any period which may be granted under Section XIII.) any office held by the absentee shall become vacant.

CHAPTER IV.

Furloughs on Private Affairs.

Section XVI.—In the place of the period of three years (in one term,) for which Furlough has hitherto been granted, Civil Servants will be allowed the option of taking a Furlough of three years as at present, or of dividing the Furlough into two periods, which may either be of one or two years respectively, or of eighteen months each, provided that in every such case, the Civil Servant shall declare, on taking his Furlough, whether he intends it to be for twelve, eighteen, or twenty-four months, in order that the Government may make its arrangements accordingly. In case of such division, the first Furlough to be taken after a residence of not less than ten years, and the second Furlough after a further residence in India of ten years from the date of return from the first Furlough; but Civil Servants returning on Furlough to Europe will continue, as at present, to vacate their offices.

Section XVII.—The Furlough Allowance granted during the periods mentioned in the last Section will be at the rate of £500 per annum, and the receipt of it will not, on any grounds whatever, be permitted for any longer period than three years.

Section XVIII.—Civil Servants who may have been compelled by sickness to quit their duty under Medical Certificate, before completing ten years' residence in India, will be entitled to receive during their Furlough on Private Affairs, taken subsequently to their completion of that period of residence, the ordinary Furlough Allowance of £500 per annum for three years.

Section XIX.—In applying the foregoing Rules in substitution of those before existing, periods of absence to the limit of three years, either on Medical Certificate, or on Furlough on Private Affairs, will count as service in India in the twenty-five years entitling to the annuity, the present qualification of twenty-two years' residence being retained. Periods of short Leave of Absence on private affairs taken in India will count as service and residence as at present.

Section XX.—Military Officers employed in the Civil Department will be subject to the Rules laid down in the Court's Military Despatch, dated the 30th December 1853, No. 18, for the grant of Leave of Absence and Furlough to Officers holding Military Staff Appointments.

CHAPTER V.

Rules for joining Stations.

Section XXI.—There shall be allowed to Officers appointed to any new Office the periods of one month, two months, or three months for joining, accordingly as the distance may not exceed 300 or 600 miles, or be in excess of the last-mentioned distance. Officers not joining their Station within the said periods,

Note.—The time allowed for joining is computed from the date of the Order reaching the Officer appointed.

respectively, shall forfeit their salary for the time delayed in excess of the above periods, and if such excess shall exceed one month, the office shall be vacated, unless otherwise specially ordered by Government.

Section XXII.—Upon the first appointment of any Civil Servant, who shall be reported qualified for Public Service by the Examiners appointed by the Government, to any Civil Station, there shall be allowed for travelling expenses to the Station, an allowance at the rate of 8 annas per mile by the direct Post Road, according to the Polymetrical Tables of the Post Office, the Bill for which allowance will be passed by the Civil Auditor after the Officer shall have joined the Station: if required in advance, an order of the Government shall be necessary.

Section XXIII.—The salary of office will be payable from the date only of the Officer joining, but in case of Junior Civil Servants, the salary of Assistants will be payable from the date of their being reported qualified for the Public Service, unless forfeited under the preceding Rule, through delay in joining the Station to which they may be appointed.

Section XXIV.—In case of a change of office, when an Officer is appointed to a higher situation, he shall not draw the higher salary until he joins. For the period occupied in travelling, the Rule No. XXI., regulating the time and distance for joining Station, shall be applicable, and the Officer will, for the periods allowed in that Rule respectively, draw out of the salary of the office he is about to join, a sum equal to that of his previous situation.

CHAPTER VI.

Rules for Deputation Allowances.

Section XXV.—The sum of Company's Rupees 52,200 per annum having been fixed, under the orders of the Court of Directors, as the maximum salary of Civil Office for the offices of Government under the situation of Member of Council, Civil Servants who may draw larger allowances than this annual sum, as a consolidated personal and sumptuary allowance, in consideration of the necessary expenses of their position, will, in all cases of absence, be treated in respect to deductions as drawing only the allowance thus limited, and the excess above the monthly salary yielded by that annual sum shall remain as a local addition to the usual Deputation Allowance to be drawn by the Officer performing the duties, to meet the necessary expenses of his position; provided however, that in the cases of Civil Servants appointed to offices of the description referred to subsequent to the 2nd June 1854, the sum of Rupees 50,000 shall be held to be the maximum salary, under the Government Resolution, No. 563, of that date.

Note.—This Rule will equally apply in case of a Political Resident taking a leave of one, two, or three months, for which in other cases he would suffer no deduction. The excess above the maximum monthly salary will in that case be enjoyed by the person in charge.

Section XXVI.—Deputation Allowances shall be granted to Civil Servants temporarily performing the duties of an office according to the following rates, and subject to the limitations and conditions hereinafter laid down:—

To Civil Servants not holding any substantive appointment, at the rate of 50 per cent. on the monthly salary of the appointment officiated in, such Deputation Allowance being in addition to the Subsistence Allowance of their respective ranks.

To Civil Servants holding an office of inferior emolument, when officiating in an office of superior emolument, at the rate of 20 per cent. upon the monthly salary of the appointment officiated in, in all cases in which the salary of such appointment shall not exceed Company's Rupees 2,000 per mensem, and in respect to all appointments of which the salary shall be more than Company's Rupees 2,000 per mensem, at the rate of 20 per cent. upon Company's Rupees 2,000, and of 10 per cent. on the amount in which the monthly salary may exceed Company's Rupees 2,000, provided however that no lower rate of Deputation Allowance shall be given than Rupees 200 per mensem

The Deputation Allowance shall in all cases be in addition to the salary of the substantive appointment held by the Officer on deputation.

The above rates are granted provisionally, subject to future revision.

In the Punjab, Nagpore and other places, where appointments are by classes, the amount of Deputation Allowances, payable at the above rates will be calculated, not upon the salary of the individual Officer holding the substantive appointment in which the Officer deputed may be temporarily officiating, but on the average rate of salary attached to the particular *class* to which the appointment may belong.

A Civil Servant acting for another shall have no claim to Commission or Fees, where any such sources of emolument exist. These shall be regarded as forming part of the income of the Officer to be relieved, subject to the prescribed deductions.

A Civil Servant acting in an appointment, the salary of which is to be reduced on the retirement of the present incumbent, will draw Deputation Allowance on the reduced salary.

An Officer officiating in more than one appointment will be entitled to Deputation Allowance, regulated by the aggregate amount of the salary of the offices.

An Officer appointed permanently to a higher situation, but prevented from joining his appointment by an order of Government, and detained to officiate in a situation of still higher emolument than the one to which he has been permanently appointed, will be entitled to a Deputation Allowance in addition to the higher salary to which he has been promoted.

Section XXVII.—No Civil Servant, temporarily officiating for another, shall draw an amount larger than the entire emoluments of the office in which he is officiating, and if the amount of the Deputation Allowance, according to the prescribed scale added to the permanent emoluments of the officiating Servant, would exceed the emoluments of the office in which he is temporarily acting, the excess shall not be drawn. But this provision shall not apply to the case of any Officer deputed for special reasons to act in an office of inferior emolument to his own. In cases where an Officer holding two appointments, on being deputed to officiate for another, shall be relieved only from one, he shall receive no Deputation Allowance, unless the emoluments of the office in which he is deputed to act, exceed the united emoluments of his permanent appointments, and in that case the Deputation Allowance shall be limited to the difference.

Section XXVIII.—No subordinate Officer acting for his principal or for any other person holding a superior appointment in the same office or establishment, at the same station, shall be entitled to any Deputation Allowance until after the expiration of one month, and then the allowance is not to be drawn in arrear. But a Servant previously out of employment, or who may be deputed to act from a different station, shall be entitled to Deputation Allowance from the date at which he may enter upon the discharge of the duties to which he has been temporarily appointed.

Section XXIX.—Civil Servants, if deputed to act at a distance from the stations where they are employed, or if ordered by Government on special duty, shall be permitted to draw Travelling Allowances at the rate sanctioned in the case of a first appointment.

CHAPTER VII.

Rules for limiting the period of service.

Section XXX.—After thirty-five years' service no Civil Servant shall be appointed to any new office, nor be permitted to retain an office which he has held for a period of five years and upwards, except in special cases, which are to be referred for the decision of the Hon'ble the Court of Directors. This Rule will be applicable to every Civil Servant appointed to office after its promulgation, and to the case of every other Civil Servant to whom it relates at the close of five years from the date of its promulgation.

CHAPTER VIII.

Rules for the grant of Leave of Absence to Law Officers.

Section XXXI.—The East India Company's Law Officers may obtain Sick Leave and Short Leave on Private Affairs under the conditions prescribed in the case of Civil Servants, both as respects the periods of absence, and the limitation of allowances during such absence. Leave will however only be granted at the convenience of the Government, and no additional expense will, on any consideration, be incurred by the Government on account thereof.

If any Law Officer shall quit his duty, save on leave under Medical Certificate, or on Short Leave on Private Affairs, he will be considered to have vacated his appointment.

CHAPTER IX.

Rules for Chaplains and Assistant Chaplains.

Section XXXII.—Chaplains and Assistant Chaplains may take Furlough on Private Affairs and on Medical Certificate, also Short Leave on Private Affairs, on the same terms and conditions as Military Officers, with the following modifications:—

1st—Chaplains being allowed to retire after twenty years' service, the period of Furlough on Private Affairs, is in their case limited to the present term of three years. The Furlough may however either be taken in one period, or be divided into two periods, whether of eighteen months each, or of two years and one year, respectively, and if divided, the first Furlough may be taken, as at present, after seven years' residence, and the second Furlough after a further residence of ten years in India. As respects Chaplains and Assistant Chaplains appointed before the 11th January 1854, when the period of service was only eighteen years, their second Furlough, if they should exercise the option of taking Furlough in two periods, will be available after a second residence in India for a term of eight years.

2ndly.—No Furlough or Leave of Absence, whether on Private Affairs or on Sick Certificate, taken in Europe or elsewhere out of India, in excess of three years, will be allowed to count as service in India in the twenty years which qualifies Chaplains for their Retiring Pensions.

Section XXXIII.—The Furlough Pay of Chaplains will remain as at present. With regard to their allowance during Sick Leave to any place out of India, they shall receive salary (but at a rate not exceeding £600 per annum) for the first six months of absence, and, for the remaining twelve months, an allowance equal to the Furlough Pay of their standing. If the leave be extended, an allowance equal to Furlough Pay may be drawn for a further period of eighteen months.

No. 1148 A.—*Notification.—General Department.—Head-Quarters, the 4th October* 1854.

The Hon'ble the Lieutenant Governor is pleased to direct the re-publication of the following Rules for the management of the Post Office Department, for general information:—

Rules for the Management of the Post Office Deparment.

Passed by the Governor General of India in Council, on the 12th of August 1854.

All existing orders passed by Government rescinded.

I. All existing Rules, General Orders and Proclamations issued by the Government, for the guidance of the Post Office Departments of the different Presidencies and Settlements of India, saving such as relate to Dawk Travelling and matters of account, shall cease to have effect from 1st of October next, and the following Rules and Orders shall be

substituted for the same, to be in force at all Post Office Stations in any of the Presidencies, Settlements, or Possessions of the East India Company, and to take effect from the above-mentioned date.

Receipt of letters, &c., for despatch by land or sea.

II. Letters, papers and parcels, shall be received at every Post Office, for despatch by land or sea, to every part of India, to Ceylon, and to every other part of the world with which there is a Post Office communication. Unless specially superscribed for the first despatch by land or by sea, or by some particular ship, they shall be sent by such route as shall appear to the Post Master to afford the means of most speedy and secure transmission. Letters and papers not exceeding 12 tolahs in weight shall also be received at every Receiving House or other place which the Post Master General may appoint. Letters, papers and parcels shall likewise be received for despatch by post as above at every Thannah or District Dawk Office.

Receipt of letters for Foreign countries, *viâ* Great Britain or Ireland.

III. Letters, papers or parcels required to be transmitted *viâ* Great Britain or Ireland to foreign countries must, unless the pre-payment of postage from the United Kingdom to such countries be optional, be addressed to the care of an agent or other person in the United Kingdom, by whom the foreign postage demandable at the London General or other Post Office may be paid. Such postage cannot be received in this country, and unless it be paid through an agent as above described, the letters are liable to be returned to India.

Name of sender of any letter, &c., not to be demanded.

IV. The name of the sender of any letter, paper or parcel shall not be demanded in any Post Office, whether the postage be pre-paid or not.

Letters to be received at any station for delivery at such station.

V. Letters, papers or parcels shall be received at any Presidency or Provincial Post Office, or Receiving House, for delivery at the same station, within the ordinary range of delivery.

Limitation as to weight of parcels.

VI. Parcels exceeding 600 tolahs in weight may be received at the discretion of any Officer in charge of a Post Office for despatch along any line of road on which the banghy parcels are not carried by foot-runners; but no parcel exceeding 2,000 tolahs in weight shall be received at any Post Office for despatch by banghy or letter mail under any circumstances whatever.

Parcels received from seaward in excess of maximum weight how to be treated.

VII. Parcels received by post from seaward, exceeding the maximum weight, which may be sent by banghy post, shall be made over to the Collector of Customs for publication in his lists of Unclaimed Packages.

Newspapers, &c., not to be detained for examination, but to be forwarded marked "Doubtful."

VIII. Newspapers or other printed or engraved papers, packed in open covers, or letters certified to be on the Public Service, respecting any of which there is reason to believe that the provisions of the Post Office Act have been infringed, shall not be detained for examination at the Despatching Office, but shall be forwarded marked "Doubtful." The Post Master receiving such letters, &c., by the mail, shall then be guided by the instructions laid down in Section XLVIII. of the Post Office Act; but unless for the causes specified above, and in Sections XXXVII. and XLVIII. of the Post Office Act, all Post Office authorities are prohibited from detaining any letter, paper or packet received for delivery by post.

Letters, papers and parcels to be weighed at Office of despatch.

IX. All letters, newspapers or other papers and packets received for despatch by post, or banghy post, shall be weighed at the Post Office of despatch, and shall be stamped with the office stamp, and marked single, double, &c., as the case may be; and all letters, &c., the full postage on which has not been pre-paid by stamps, shall

have the postage to which they are severally liable marked on them. Service letters shall never be re-weighed prior to delivery, nor newspapers, except in case of suspicion. Banghy parcels shall in all cases be re-weighed on delivery. The re-weighing of private letters shall be at the discretion of the Officer in charge.

Examination of Post Office records not permitted to the public.

X. Persons, not belonging to the Department shall not be admitted into the interior, nor permitted to examine the records of any Post Office, without the special permission of the Post Master General, to whom, or to the Post Master, applications for information or redress must be made, either in person, or in writing, by the party requiring the same.

Hours of receipt at Presidency Post Offices.

XI. At each Presidency Post Office, banghy parcels will be received every day, Sundays excepted, for despatch, from 10 A. M. till 5 P. M., and newspapers and letters every day till 6 P. M., after which hours, respectively, they will be received till 7 P. M., on payment of an extra half-rupee each, which shall be credited to Government.

At Receiving Houses.

XII. At Receiving Houses and places where there are letter boxes, letters, papers and packets not exceeding 12 tolahs in weight, will be received daily from 11 A. M. to 4 P. M., or at such other hours as may be determined by the Post Master General, provided that no Receiving House shall remain open for less than five hours daily, and that letter-boxes for letters unpaid and pre-paid by stamps be kept open, day and night, except for a quarter of an hour subsequent to the time fixed for the closing of each mail.

At Provincial Post Offices.

XIII. At Provincial Post Offices, banghy parcels will be received for despatch from 10 A. M. till 4 P. M., and letters and newspapers till 5 P. M., after which hours, respectively, they will be received till 5¾ P. M., on the sender paying an extra half-rupee each, to be appropriated as provided in Section XI.

Office hours for reference.

XIV. Although all Post Offices will be open for receipt of letters, papers and parcels as above, official references shall be made to Post Office authorities only between the hours of 11 and 5, Sundays excepted.

Delivery of letters, &c., at Presidency Post Offices.

XV. At each Presidency Post Office, there shall be three deliveries daily, the first delivery not to be later than 7, the second at 11 A. M., and the third at 3 P. M., at which hours, respectively, the peons shall quit the Office with the letters, &c., entrusted to them. All letters, papers and parcels received from 3 P. M. till 5 A. M. shall be sent out at the first delivery, all from 5 to 10 A. M. at the second delivery, and all from 10 A. M. to 3 P. M. at the third delivery; and mails received after 3 P. M. shall not ordinarily be opened till the following morning, except when received by Express or from seaward.

At Provincial Post Offices.

XVI. At Provincial Post Offices the delivery of letters, papers and parcels must depend upon the hour of the arrival of the mails at each station, after which they shall be delivered with all possible despatch.

Immediate payment of postage required.

XVII. The delivering peons are prohibited from going out of their usual course to deliver letters, papers or parcels, and from delivering them without immediate payment of the exact amount of postage; and they are not bound to give change. Should they be subject to detention, they are not to deliver the letters, papers or parcels, but to return them in the evening to the Post Office for delivery the following day.

Complaints how to be preferred.

XVIII. Whatever postage is marked on a letter, paper or parcel must be paid at once on delivery, after which any complaint of overcharge will be duly attended to. In all complaints of overcharge or unnecessary delay in delivering letters, papers or parcels, the

covers or envelopes bearing the Post Office stamp must be presented for inspection, and when any complaints are preferred against any peon, the number on his badge should be specified.

Despatch of mails from Presidency Post Offices.

XIX. From each Presidency Post Office the mail shall be despatched daily at 8 P. M., and the banghies as soon after as possible.

From Provincial Post Offices.

XX. At Provincial Post Offices the packets for all mails to be despatched in the course of the night shall be finally closed at 6 P. M.; but for mails which usually pass in the course of the day, the packets shall be made up half an hour before the time appointed for the arrival of such mails, which are in no case to be subjected to any detention beyond the regulated time. Notice of the hour at which such packet is closed shall be hung up outside the Office, both in English and in the language of the district, after which hour, letters, papers or parcels received shall not be forwarded till the following day, unless such mails should not arrive until after 6 P. M., in which case a second packet shall be made up.

Letters, &c. damaged, not to be received.

XXI. The Post Master at any station, or person in charge of the Office, shall have power to refuse letters, papers or parcels bearing the appearance of having been opened and re-closed, or otherwise improperly dealt with, unless the writer or sender thereof shall attest with his full signature, that they were sent in that state.

Post Offices not to receive valuables for despatch.

XXII. In order to protect, as far as possible, the public mails from the chance of robbery, Officers in charge of Post Offices shall not knowingly receive coin, bullion, precious stones or jewels for despatch, either by letter or banghy post.

Post Office prohibited from giving change.

XXIII. The servants at the several Post Offices *are prohibited from giving* change to parties sending or receiving letters in any case.

Registered letters.

XXIV. Letters will be registered on payment of a fee of 4 annas, and parties posting such letters will be furnished with a receipt bearing the address of the letter and the office stamp. The fee must in all cases be paid in money. On the delivery of a registered letter, a receipt for the same must be given to the delivery peon.

Receipts will not be given for letters, &c.

XXV. Receipts will not be granted for any letters or papers received at any Post Office for despatch, except in the case of registered letters; and will be granted for parcels only when presented ready written, either in books or on separate slips of paper along with the parcels. Receipts so presented, will be duly stamped.

Notice to arriving vessels for disposal of packets.

XXVI. On the arrival of any ship or vessel of any British Indian port, a printed notice, under the signature of the Post Master of the port or station, shall be delivered to the Commander by the first boat despatched to board the vessel, according to the requisition of which, the Commander shall proceed to dispose of such packets as he may have on board, as directed in Section XL. of the Post Office Act, a copy of which Clause shall be communicated to the said Commander.

Master Attendant to notify intended departure for all vessels.

Post Master to publish weekly lists.

XXVII. The Master Attendant of each Presidency port or such other Officer as may be directed by Government, shall furnish the Post Master with early intimation of the intended departure of all vessels to any part of the world, and the Post Master shall cause a list of the vessels, for which packets are open, to be published weekly in the official *Gazette* of his own Presidency.

XXVIII. The Post Master shall also cause to be published weekly, in the official *Gazette* of the Presidency, a notice of the several dates up to which packets have been despatched by each vessel carrying a mail, that may have left the port.

Post Master to publish weekly notice of packets despatched.

XXIX. All public despatches are to be made up in the most compact form possible, and whenever two or more letters are despatched from any one Office to the same individual, by the same day's post, they are to be put up under one cover, provided they do not, in the aggregate, exceed 12 tolahs weight.

Public despatches to be compactly made up.

XXX. When the number of covers received at any Post Office shall cause the weight of the mail to exceed the regulated weight, the Post Master is authorized to keep back a portion of the heavier public despatches and imported newspapers till the following day, but private letters and public letters marked "Despatch" shall not be kept back.

When bulk of mails exceeds regulated weight how to be disposed of.

XXXI. Despatches to be transmitted by Express must bear on the face of them the words "By Express," and the signature in full of the Officer sending them.

Expresses.

XXXII. As the employment of Expresses interferes with the celerity and regularity of the ordinary mails, and is attended with expense, public Officers are enjoined to employ them as sparingly as possible, and any public Officer despatching an Express, when the exigency of the Public Service does not, in the opinion of the authority to whom he is subordinate, require it, will be held answerable for the expenses attending that method of transmission. Public Expresses from a Presidency Post Office can only be ordered by a Secretary to Government.

Public Officers to employ them sparingly under a penalty.

XXXIII. Expresses may be employed by private individuals at the discretion of the Post Master applied to, on payment being made at the rate of four annas per mile in advance.

Expresses for private persons.

XXXIV. Letters directed to Native Officers, or men of their Regiments or Detachments, shall be delivered to an Orderly, or any other fit person, who shall be deputed by the Officer commanding the Regiment or Detachment to receive the same; but letters on which postage may be due shall not be delivered to such person, unless the postage be first paid.

Commanding Officers may receive letters for their own Regiments.

XXXV. Letters which individuals address on their private affairs to any Government Officer must be sent pre-paid by stamps; and this rule is to be understood to include letters transmitting Bills of Exchange, Promissory Notes, Receipts, Government Securities, &c., to the Accountant General, Government Agent, or any other public Officer. When public Officers write letters on such subjects to individuals, they shall subscribe on the envelopes, with their official signatures, the words "Bearing Postage"

Letters addressed to public Officers on private affairs to be pre-paid by stamps.

XXXVI. The postage on letters and parcels sent on the Public Service, by the public Officers mentioned in the subjoined lists, shall be charged to the Departments to which they severally belong; such letters must be addressed according to the subjoined form:—

Postage on letters on Public Service to be charged to the Department to which Officers signing them belong.

Form of Address.

ON THE PUBLIC SERVICE ONLY.
The Officer Commanding
1st Regt. Lt. Cavalry,
CAWNPORE.
JOHN SMITH,
Adjt. Genl.

The signature and designation of the Officer signing the same being written in full.

List No. 1.

Parties authorized to send by post (without actual payment of postage) all letters, packets or parcels, *bonâ fide* and exclusively on the Public Service, the same to be certified on each letter in the form above described :—

Civil.

Her Majesty's Principal Secretaries of State.
President and Secretaries of the Board of Control.
Chairman and Deputy Chairman of the East India Company.
Secretary, Deputy Secretary, and Assistant Secretary at the India House.
The Governor General.
The Governors of Bengal, Madras, and Bombay.
The Lieutenant-Governors of the North-West Provinces and Bengal.
Members of Council.
Members of the Legislative Council.
Accountant General, or Deputy Accountant General.
Accountant.
Agents, Political, or to the Governor General.
Civil Auditor.
Clerk of the Legislative Council.
Collectors and Deputy Collectors of Customs.
Conservator of Forests, Bombay.
Collectors.
" Sub, Deputy, or Assistant, having special charge.
Commissioners, and Deputy Commissioners.
Governor of the Straits' Settlements.
Judges of the Sudder Courts, when on Circuit, or Deputation only.
Judges, Sessions and Zillah.
" Subordinate and Assistant, having special charge.
Magistrates.
" Joint, Deputy, and Assistant, having special charge.
Members of Boards and Commissions, when on Circuit, or Deputation only.
Mint Masters.
Opium Agents and Deputies.
Director General of the Post Office in India.
Post Master General.
Post Masters.
Private Secretary to Governor General, or to Governor, or to Lieutenant-Governor of any Presidency.
Registers of Sudder Courts.
Residents at Foreign Courts.
Resident Councillors in the Straits' Settlements.
Remembrancer of Legal Affairs.
Salt Agents.
Secretaries to Government.
" Under, Deputy, and Assistant.
" to all Boards, Commissions, and Committees, appointed by Government.
Sub-Treasurer.
Superintendent, or Chief Magistrate of Police.

Superintendent of the Government Lithographic Press.
" Stamps.
" Stationery.
" for Suppression of Thuggee, and Assistants, having special charge.
" of Electric Telegraph.

Marine.

Commander-in Chief of Her Majesty's Naval Forces.
" the Indian Navy.
Secretary to Her Majesty's Naval Commander-in-Chief.
" to the Marine Board.
Superintendent of Marine.

Ecclesiastical.

Bishops of Calcutta, Madras, and Bombay.

Military.

Commander-in-Chief of the Army in India.
" at Madras and Bombay.
Adjutants General, Assistants, and Deputy Assistants.
Agents for Army Clothing.
Auditor General.
Brigadiers.
Commandants of Forces, or Stations.
Commanding Officers of Corps or Detachments.
Commissary General, and Deputy.
Commissariat, Senior Executive Officer at the Presidency or at Out-Stations.
Commissaries of Ordnance, and Deputies, being Commissioned Officers.
Director of Artillery Depôt of Instruction.
Engineers, Chief.
" Civil or Executive.
" Superintending.
Fort or Town Major.
General Officers on the Staff.
Judge Advocate Generals, and Deputies of Divisions.
Pay Masters and Deputy Pay Masters.
Quarter Masters General, Deputies, Assistants, and Deputy Assistants.
Secretary, Military, to Governor General, or Governor.
" to Commander-in-Chief.
" to all Boards, Commissions, and Committees appointed by Government.
Superintendent of Canals and Bridges.
" Family Payments and Pension.
" Gun Carriages.
" Gunpowder.
" Roads.
" Trigonometrical and other Surveys.
" Stud.
Surveyor General, Deputy, and Commissioned Assistants.

Medical.

Apothecary to the Company, or Medical Store-Keeper.
Inspector, and Deputy Inspector General of Her Majesty's Hospitals.
Superintending Surgeon.

List No. II.

Parties authorized to send letters and official *Gazettes, bonâ fide* and *exclusively* on the public service, relating to the business of their respective departments, without actual payment of postage, but only to the authorities hereinafter named:—

Archdeacon,	To the Registrar and Clergy of the Diocese.
Accountant to Chief Engineers,	To Superintending, Executive, Assistant Executive, and Civil Engineers.
Chaplains at Out Stations,	To Archdeacon or Registrar.
Garrison Surgeons and Medical Officers attached to Regiments, Stations, or Depôts,	To Superintending Surgeons of their several Divisions.
Master Attendant, Calcutta,	To Authorities at Diamond Harbour, Kedgeree, and Stations down the River.
Controller of Government Steam Vessels,	To the same, and to Steam Agents.
Subordinate Judicial, Revenue, Police, Engineer, and other Civil Officers,	To the Authorities with whom they may have to correspond on Public Service within their respective Districts.
Patrolling Officers of Customs,	To their immediate superior, or to the nearest Magistrate.
Revenue and other Surveyors,	To Surveyor General, Deputy Surveyor General, Collector of the District, or Paymaster of the Division.
Steam Agents,	To the Controller of Government Steamers, and to each other (their communications being sent in covers open at each end.)
Principal Sudder Ameens and Sudder Ameens,	Within their respective districts, and to their immediate superior.
Superintendent of Salt Chowkies,	The same.
Superintendent of Government *Gazette* Press,	Official *Gazettes* to public Officers authorised to receive the same.
Assistants in the Telegraph Department,	To their immediate superior.
Vaccinators,	To the same.
Warrant and Non-Commissioned Officers of the Commissariat Department in charge of public cattle, when absent from stations only,	To their immediate superior, or to the Quarter Master General, or Assistant or Deputy Assistant Quarter Master General.
Warrant and Non-Commissioned Officers of the Ordnance Department in charge of stores, when absent from stations only,	To their immediate superior, or to the Secretary to the Military Board.
Warrant and Non-Commissioned Officers of the Department of Public Works, when detached on such works,	To their immediate superiors.
Commanders of Government Steamers and Pilots,	To the Commander-in-Chief of the Indian Navy, Master Attendant, or Secretary to the Marine Board. This privilege extends only to Shipping Reports, superscribed as such, and sent either open, or in covers open at both ends.

Tide Waiters,*——————————To Collector of Customs. This privilege extends only to Tide Waiters' Reports, superscribed as such.

N. B.—The privilege of sending letters by post, without actual payment of postage, extends only to letters exclusively on the Public Service, and all Public Officers are prohibited from sending on service, letters relating to the private concerns of individuals, though they may be in reply to communications addressed to them in their official capacity. Such letters must either be pre-paid by stamps, or sent bearing postage.

All Periodical Returns and Reports, and all letters not of an important or confidential nature, are to be packed in covers open at each end.

Letters on the Public Service, not intended to be permanently retained on record, are to be written on paper of the smallest size (compatible with clear and legible writing)

All letters, &c. received for despatch, to be marked with the appropriate office stamp, and with the amount of postage.

XXXVII. All letters, papers and packets whatever, received at any Post Office in India, for despatch by post, whether paid, stamped, or liable to postage, as the case may be, are to be marked with the appropriate stamp, bearing the name of such office of despatch; and when slide stamps, showing the date of the month and year, are not provided, the said date must be entered in writing across the middle of the face of the stamp. If the letter or packet received for despatch be bearing postage, the amount of postage due must be entered in writing on the face of the letter.

All letters, &c. received for delivery, to be stamped, but the postage, unless under-charged, not to be marked.

XXXVIII. All letters, papers and packets whatever, received at any Post Office, by post, for delivery at such Office, are in like manner to be stamped with the appropriate office stamp, and marked with the date of the month and year; but the amount of postage paid or due is not to be marked, unless the letter has been under-charged with postage at the Despatching Office.

Obliterating stamp.

XXXIX. All postage stamps on letters, papers or parcels, must be carefully obliterated with the stamp furnished for that object; and the black composition supplied for the purpose must be used in all cases. Letters bearing stamps, which have been previously obliterated or defaced, must be treated as unpaid letters.

Post Master not himself to affix a stamp on letters,&c.

XL. No Post Master is allowed to affix a postage stamp to a letter brought unstamped to his Office.

Forward letters, &c. to be stamped and marked with additional postage.

XLI. Forward letters, papers or packets, *i. e.*, those which follow a party addressed from station to station, *are* to be stamped at each Office of fresh despatch, and marked with the additional postage due on such fresh despatch.

Extra weight of banghy parcels to be marked.

XLII. On banghy parcels the exact weight must in all cases be entered in writing on the face thereof.

Other letters, &c. how to be stamped.

XLIII. Supplementary rules, regarding the shape and size of the office stamps to be used on the several description of letters, shall be, when necessary, circulated by the Director General of the Post Office.

At such Post Offices as have more than one delivery daily, letters, &c., to be stamped A. M. or P. M., according to time of delivery.

XLIV. At such Post Offices, as have more than one delivery daily, all letters, papers and packets must be marked with a stamp, showing at which delivery they were distributed.

General Rules Relating to the Receipt, Despatch and Delivery of Letters by Districts Posts.

Approved of by the Governor General of India in Council, on the 12th August, 1854.

1. Whenever any local establishment may be maintained for the conveyance or delivery of the Police, Revenue or other official communications, it shall also be made use of for the conveyance and delivery of private correspondence, and be designated a District Post.

2. All Office or Road establishments, attached to any District Post, will be under the control and management of the Officer to whom they may be entrusted by the Local Government.

3. Such Police Stations and other Public Offices, as may be selected by the Local Government, shall be constituted District Post Offices, but this shall remain under the management and supervision of the same officials who are at present in charge of them.

4. A Letter Box, with a slit in the top or side, shall be fixed in a conspicuous place outside of every District Post Office. The words "Letter Box," in English and the Vernacular of the district, shall be painted on each box in legible characters.

5. All letters (except those to be specially registered,) intended for despatch from any District Post Office, must be dropped into the Letter Box. No receipt will be given. Every letter posted at a District Post Office, must have its proper postage stamp affixed to it.

6. Any person wishing to post a registered letter at any District Post Office, can do so on payment of a registry fee of four annas, in addition to the ordinary postage chargeable on letter, according to its weight. A receipt in the proper form must, in all cases, be given to the poster of a registered letter, whether it be demanded or not. One anna of the registration fee will be allowed to the person registering the letter; the remaining three annas must be sent with the letter by the same day's despatch to the nearest Post Office.

7. Every District Post Office will be supplied by the Post Office Department with registered letter covers, forms of receipt and of register, and with the rules relating to registered letters.

8. Except when it may be opened for the purpose of taking out the letters preparatory to their despatch, the Letter Box shall remain locked, the key being in custody of the person in charge of the Office.

9. Fifteen minutes before the hour at which the despatches of the Office are usually made up, the Letter Box will be opened, and the letters in it taken out. Those addressed to places to which there is a direct communication through the District Post will be separated from all other letters, sorted and packed in covers addressed to the Officer in charge of the District Post Office from which they will be delivered. The remaining letters will be made up into one packet, and addressed to the nearest Post Office with which he has a communication.

10. A Chulan or Letter Bill in the Vernacular (Form 1) will be sent with every packet despatched from a District Office to a Post Office. The Deputy Post Master, or person in charge of the Post Office will, after satisfying himself that the contents of the packet agree with the Chulan, copy the entries into his register, sign, and by the next day's despatch, return the Chulan. The receipted Chulans will be filed, and form the only record in any District Post Office of the despatches made from it.

11. All Chulans are to be numbered consecutively in a series, commencing on the 1st of May; and if any District Post Office is in the habit of sending packets to more than one Post Office, the Chulans sent to each Post Office will be numbered in a separate series.

12. All letters sent from one District Post Office to another, will be accompanied by a Chulan (Form 2), which will be receipted and returned to the Despatching Office, to be filed as a record.

13. All letters received at any Post Office, to the address of persons resident in the same district, but beyond the limits of any ordinary post delivery, will, if the Post Office be at the head-quarters of the district, be sent with a Chulan (Form 1) to the Officer in charge of the District Post, to be by him sorted and forwarded to the District Post Offices of the several sub-divisions in which the residence of the addressees may be situated.

14. Persons in charge of Post Offices in the interior of districts receiving letters for persons residing beyond the limits of their ordinary delivery, but within the sub-division of a District Post Office with which they have direct communication, will send them, if pre-paid, for delivery to that Office, with a Chulan (Form 1). Letters for persons resident in the district, but within a sub-division with which the Receiving Office has no direct communication, must be sent to the Post Office of the head-quarters of the district. All letters bearing postage for delivery in the interior must be sent to the Post Office at the head-quarters of the district.

15. Officers in charge of District Post Offices will carefully compare with the Chulan the contents of every packet received. If the Chulan is correct, it will be receipted and returned; if not correct, the discrepancies will be noted thereon.

16. A delivery book (Form 3) showing the names of persons entrusted with the delivery of letters, will be kept in every District Post Office, and be the only record of letters received for delivery.

17. Letters will be delivered by such persons and under such rules as the Local Government may from time to time determine. Every person, through whom any District Post letter may be delivered, is authorized to receive a fee of one pice (a fourth of an anna) for his own use, in addition to any unpaid postage which may be due on it.

18. All postage realized on letters sent from any Post Office for delivery through the District Post will be remitted every Saturday to the Post Office at the head-quarters of the district with the remittance book (Form 4). The person in charge of the Post Office will give a receipt for the amount in the opposite column, and return the book by the first despatch. At the close of the month, a balance will be struck, showing the postage still due to the Post Office on letters which have been received; this balance will be brought forward, and a new account commenced on the 1st of the following month.

19. All letters, which from any cause cannot be delivered, will be returned with as little delay as possible to the Post Office from which they were received, and if any unpaid postage be due on them, credit for the amount will be taken in the remittance book. Unpaid letters are never, under any circumstances, to be sent from one District Post Office to another.

20. A monthly memorandum (Form 5,) showing the number of letters received for delivery at each District Post Office, will be prepared by the person in charge, and sent on the 2nd of the following month to the Officer in charge of the Post Office at the head-quarters of the district. Persons in charge of Post Offices will prepare similar memoranda, and send them to the Post Office at the head-quarters of the district. The Officer in charge will, before the 15th of each month, prepare a general statement, showing the number of letters posted at, and delivered through the agency of the District Post Office in the preceding month.

FORM 1.

FORM 1.

DISTRICT POST.

CHALAN No.

Letters despatched from *District Post Office to* *District Post Office*

Dated *of* 185 .

No. of Letters.		No. of Rates of Postage.	Postage.					
			Despatching Office.			Receiving Office.		
	Paid Letters, -- -- --							
	Paid Newspapers, -- --							
	Registered Letters, -- --							
	Total, -- --							

C. D.,
Post Master.

A. B.,
Post Master.

N. B.—The Receiving Officer is invariably to enter the correct amount in the column of Postage, whether it agrees with the Despatching Office or not.

FORM 2.

DISTRICT POST.

CHALAN No.

Letters despatched from the District Post Office at *to the Post Office at*

Dated *of* 185 .

No. of Letters.		No. of Rates of Postage.	Postage.					
			Despatching Office.			Receiving Office.		
	Unpaid Letters returned, --							
	Unpaid Newspapers returned,							
	Total, -- -- -- --							
	Paid Letters posted at this Office, -- -- -- --							
	Paid Newspapers ditto ditto,							
	Paid Letters returned, -- --							
	Paid Newspapers returned, --							
	Registered Letters returned,							
	Total, -- -- --							

C. D.,
Post Master.

A. B.,
Post Master.

N. B.—The Receiving Officer is invariably to enter the correct amount in the column of Postage, whether it agrees with the Despatching Office or not.

FORM 3.

DISTRICT POST.

CHALAN No.

Letters despatched from the Post Office at to the District Post Office at

Dated of 185 .

No. of Letters.		No. of Rates of Postage.	Postage.					
			Despatching Office.			Receiving Office.		
	Paid Letters, -- -- --							
	Paid Newspapers, -- --							
	Paid Registered Letters, --							
	Unpaid Newspapers, --							
	Unpaid Letters, -- --							
	Total,-- --							

C. D.,
Post Master.

A. B.,
Post Master.

N. B.—The Receiving Officer is invariably to enter the correct amount in the column of Postage, whether it agrees with the Despatching Office or not.

FORM 4.

DELIVERY BOOK.

Date.	Names of Peons to whom Letters for delivery are made over.	Unpaid Letters from Post Office.		Unpaid Newspapers from Post Office.		Paid Letters.		Paid Newspapers.		Total Number of Letters paid and unpaid.	Total Number of Newspapers.	Signature of Delivery Peons.
		Number.	Postage to be collected.	Number.	Postage to be collected.	No. of Paid Letters for Post Office.	No. of Paid Letters for other District Post Offices.	No. of Paid Newspapers for Post Office.	No. of Paid Newspapers for other District Post Offices.			

A. B.,
Post Master.

FORM 5.

REMITTANCE BOOK.

Account between Post Office and District Post Office.

Date.	Postage due on unpaid Letters sent for delivery.			Remittance from District Post Office to Post Office.			Postage on Letters returned.			Total Remittance received.			Date of Receipt.	Signature of Post Master.	Signature of Officer in charge of District Post Office.	Remarks.	Abstract.			
	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.						Rs.	A.	P.
Balance.																	Cash received during the month,-- Postage due on unpaid letters returned,-- Balance due, --			

A. B.,

Post Master.

No. 4064.—*Judicial Department, N. W. P.—Agra, the 6th October* 1854.

THE following Extracts from the Standing Orders adopted by the Legislative Council on the 19th August 1854, are re-published for general information:—

PETITIONS.

How to be framed.

XXII.—Petitions to the Legislative Council must relate to matters connected with the business of the Council. Every petition shall be superscribed "To the Honorable the Legislative Council of India," and shall be dated and signed by the petitioner or petitioners. It shall be in respectful and temperate language, and shall conclude with a distinct prayer.

Signature.

XXIII.—Every petition will be received as the petition of the person or persons only by whom it is actually signed.

How to be transmitted.

XXIV.—All petitions shall be transmitted to the Clerk of the Council.

Abstract.

XXV.—The Clerk shall make an abstract of every petition so received.

How to be dealt with.

XXVI.—If in the judgment of the Clerk the petition be framed in conformity with Order No. XXII., he shall bring the petition under the consideration of the Council by reading the abstract thereof,

and the prayer or the substance of the prayer of the petition, whereupon such petition shall be deemed to have been received by the Council.

If not in conformity with Order No. XXII.

XXVII.—If in the judgment of the Clerk the petition be not framed in conformity with Order No. XXII., or if he have reason to doubt the authenticity of any signature thereto, he shall certify the same on the back of the petition, and shall report the fact to the Council, in which case the petition shall not be received by the Council, except upon the motion of a Member.

How to be disposed of.

XXVIII.—Any petition received by the Council may, upon the motion of a Member, be disposed of in one or more of the following ways :—

1.—It may be ordered to be printed.

2.—It may be referred to the Select Committee sitting on any Bill to which it relates.

3.—It may be referred for report to a Select Committee to be appointed specially for that purpose.

4.—If no motion be made upon such a petition, the petition shall be laid upon the table, and afterwards deposited by the Clerk amongst the Records of the Council.

When and how Petitioners may be heard.

XXIX.—If a Bill be pending peculiarly affecting private interests, and any person whose interests are so affected apply by petition to be heard by himself or his Counsel upon the subject of the Bill, an Order may be made, upon the motion of a Member, allowing the petitioner to be so heard, either before the Select Committee on the Bill, or before a Committee of the whole Council, provided the petition be received by the Clerk of the Council before the Report of the Select Committee on the Bill shall have been presented. In no other case or manner shall any stranger be heard by himself or by his Counsel.

Reply to Petitions.

XXX.—Ordinarily no reply will be sent to a petitioner. But the Clerk of the Council may be ordered to make such special communication to a petitioner as the Council may direct.

PROJECTS OF LAWS.

Proposed by Local Governments.

XXXI.—If a Draft or project of a Law be proposed by the Governor or Governor in Council of a Presidency, or by the Lieutenant-Governor of a Lieutenant-Governorship, the fact shall be reported to the Council by the Clerk, and the Draft or droject shall, together with any annexures thereto, be printed and recorded. If within four weeks from the day of such report being made, no Member shall make any motion upon the subject, it shall be the duty of the Member nominated by the Governor of such Presidency, or by the Lieutenant-Governor of such Lieutenant-Governorship, to bring the same before the Council, either by bringing in and taking charge of a Bill for the purpose of carrying the proposal into effect, or by making such other motion upon the subject of the proposal as he may think fit.

Final Resolution to be communicated.

XXXII.—Any final resolution of the said Council upon such proposal shall be communicated by the Clerk of the Council to the Government of the Presidency, or to the Lieutenant-Governor of the Lieutenant-Governorship, by whom the proposal was made.

Proposed by private persons.

XXXIII.—Drafts or projects of Laws proposed by private persons must be accompanied by a petition praying that the same may be taken into consideration by the Legislative Council, and shall be dealt with in the manner prescribed by these Orders under the head "Petitions."

BILLS.

First reading.

LVI.—Any Member may at an ordinary Meeting of the Council move the first reading of a Bill.

Notice of.

LVII.—Notice of such intended motion shall be given by the mover, either at a previous Meeting of the Council, or by sending the notice in writing to the Clerk of the Council two clear days before the day fixed for making the intended motion.

Inserted in Orders of the Day.

LVIII.—The motion of which notice has been so given shall be inserted by the Clerk in the Orders of the Day for the day appointed.

Reasons to be stated.

LIX.—Upon moving the first reading of a Bill the mover shall state the object and intention of the measure, and the reasons upon which it is founded, and shall deliver to the Clerk of the Council the Bill which he proposes to be read, with a brief abstract of each Section or Clause in the margin thereof, and also a statement, signed by himself and annexed thereto, of such object and reasons, and any extracts of correspondence or documents which may be necessary for a right understanding of the Bill.

No discussion upon such motion.

LX.—Upon such motion no discussion shall be permitted, and the Bill shall be read a first time without question, unless the Bill relate to the public finances, to the constitution of the Army or Navy, or to the relations of the British Government with Foreign States, or shall affect the religious rites or usages of the Natives of India.

Notice of motion when necessary.

LXI.—If the Bill relate to any of the matters mentioned in the last preceding Order, notice of such intended motion must be given at an ordinary Meeting of the Council, at least one week before the motion shall be made; and the question shall not be proposed by the President unless the motion be seconded.

Procedure on and after first reading.

LXII.—On the first reading of a Bill, the Clerk of the Council shall read only the title of it. The Bill, with its annexures, shall be printed, and a copy shall be sent by the Clerk of the Council to each Member.

Notice of second reading.

LXIII.—After a Bill shall have been read a first time, notice may be given of a day on which the second reading of the Bill will be moved.

Debate upon second reading.

LXIV.—When a motion for the second reading of a Bill shall have been made, the President shall propose the question—"That this Bill be now read a second time;" upon which a debate may be taken only upon the general merits and principles of the Bill.

Bill to be referred to a Select Committee.

LXV.—If the motion for the second reading of a Bill be carried, the title only of the Bill shall be read. Thereafter upon motion made, the Bill shall be referred to a Select Committee of the Council, of which the mover shall be the Chairman.

And published for general information.

LXVI. After the Bill shall have been read a second time, and referred to a Select Committee, it shall be published in the *Calcutta Gazette* for general information, unless the special instruction provided for by Order No. LXX. shall have been given to the Committee immediately after its appointment.

Communications and petitions on the subject of a Bill.

LXVII. All written communications on the subject of Bills published for general information shall be addressed to the Clerk of the Council, who shall cause the same, and also all such petitions as shall be ordered by the Council to be referred to the Select Committee on the Bill, to be printed, and a copy thereof to be forthwith laid before such Select Committee, and to be sent to each Member of the Council.

LXVIII. The Select Committee shall take into consideration the Bill, and all such written communications, and also all such petitions as shall be referred to them, and shall prepare a Report thereon, and shall in such Report propose any amendments of the Bill which they may think expedient. A copy of the Bill signed by the Select Committee shall be annexed to the Report, written or printed in such a manner as to distinguish the amendments, if any, proposed by the Select Committee, from the Bill as published.

Proceedings of Select Committee.

LXIX. As soon as the Report of the Select Committee is ready, it shall be presented to the Council. Provided that such Report shall not be presented before the expiration of the following periods respectively; *viz.*—

Report of Select Committee.
Publication of Bill.

1.—If the Bill relate to any part of the territories subordinate to the Presidency of Bengal, eight weeks from the date of the first publication.

2.—In all other cases, twelve weeks from the date of the first publication.

LXX. Any Member, however, may move a special instruction to the Select Committee immediately after its appointment, directing it to submit forthwith a preliminary report suggesting any alterations which it may deem expedient to make in the Bill previous to the publication thereof in the *Calcutta Gazette*. If such preliminary Report of the Committee shall be adopted by the Council, the Bill shall be amended accordingly, and published for general information.

Bill may be amended before publication.

LXXI. When the report of the Select Committee shall be presented to the Council it shall be laid upon the table; after which notice may be given of a day on which it will be moved that the Council do resolve itself into a Committee of the whole Council on the Bill.

Report of Select Committee presented.

LXXII. The Report of the Select Committee shall be printed, and a copy thereof, and also a copy of the Bill annexed to such Report, if any amendments of the Bill be proposed by the Report, shall be sent by the Clerk to each Member of the Council.

Report to be printed.

LXXIII. If the motion for going into Committee of the whole Council on the Bill be carried, the President shall leave the Chair, and the Chairman of the Committee shall take a place at the table of the Council. The Committee will then proceed with the Bill, and may make any amendments in any part of the Bill, or in the title thereof, which they may think fit.

Committee of the whole Council.

LXXIV. In settling a Bill in Committee of the whole Council, the title, preamble, and each Section or Clause of the Bill, as reported by the Select Committee, shall be considered separately, commencing with the first Section of the Bill, and ending with the preamble, if any, and the title of the Bill.

Proceedings of Committee of the whole Council.

LXXV. The Chairman shall call the number of each Section and Clause and shall read the marginal abstract thereof. If no motion be made thereon he shall put the question "That this Section (or Clause) stand part of the Bill." If any motion be made to amend the Section or Clause, the Chairman shall state the line in which the amendment is proposed to be made; and upon such motion, or any other motion that may have been made, he shall proceed in the mode prescribed in these Orders under the head "Motions."

Settlement of Clauses.

LXXVI. If any amendment of the Section or Clause be carried, the question shall be put by the Chairman—"That this Section (or Clause) as amended stand part of the Bill."

How question is to be put on an amended Clause.

LXXVII. A similar course shall be adopted with regard to the preamble, if any, and to the title of the Bill.

Preamble and Title.

LXXVIII. Except as herein otherwise provided, no amendment of an earlier part of a Bill shall be proposed after the Committee has resolved upon a later part of the Bill; unless an amendment made in a later part of the Bill shall have been carried, which renders necessary an alteration in the language of an earlier part of the Bill.

Amendment disallowed.

LXXIX. The Committee may allow the consideration of any Section or Clause to be postponed and taken out of its order before the vote has been taken on the question "that the Clause stand part of the Bill."

Consideration of Clause postponed.

LXXX. In settling a Bill in a Committee of the whole Council, any Member without making a formal motion may suggest an amendment thereof, or of any amendment proposed by another Member, or may ask for information respecting any part of the Bill, or any proposed amendment thereof; Provided that the Chairman or any Member may require such suggestion to be put by motion made in a regular manner, and provided also that no amendment shall be made in a Bill except upon a question regularly put and determined upon motion.

Suggesting amendment and asking questions without formal motion.

Proviso.

LXXXI. A Committee of the whole Council may adjourn its sitting, or a debate, to a time to be named, and on such adjournment the Council shall resume its sitting, unless it shall have been adjourned.

Committee of the whole Council may adjourn.

LXXXII. When a Committee of the whole Council shall have settled a Bill, the Chairman shall put the question—"That this Bill be reported to the Council with amendments" (or "without amendments," as the case may be). If that motion be carried the Chairman shall certify at the foot of the Bill settled in the Committee of the whole Council, in the following form:—

Report of Committee of whole Council.

Certificate of Chairman.

This Bill stands as settled in Committee.

(Signed)

Chairman of the Committee of the whole Council.

Dated, &c.

Thereafter the Council will resume its sitting, unless it shall have been adjourned.

LXXXIII. The Bill as settled in Committee of the whole Council may be reported to the Council on the same day; after which notice may be given of a day on which the third reading and passing of the Bill will be moved.

Report of Committee of whole Council presented.

Notice of third reading and passing.

LXXXIV. If any amendment of a Bill be made in Committee of the whole Council, any Member may move that the Bill so amended shall be printed.

Reprinting of Bill

LXXXV. Any Member may likewise move in Council that the Draft be re-published for general information, on the ground that the amendments which may have been adopted are of so new and important a nature that the Act ought not to be passed without being previously published for general information; and, if the motion be

Re-publication for general information.

carried the amended Bill shall be published, and notice may be given of a day on which the third reading and passing of the Bill will be moved.

Re-committal of Bill to Committee of the whole Council.

LXXXVI. Upon the order of the day for the third reading and passing of the Bill being read, any Member previously to the motion being made, may move that the Bill be re-committed to a Committee of the whole Council, for the purpose of correcting any errors therein, or considering any proposed amendment thereof.

Proceedings on Re-committal.

LXXXVII. If the Bill be re-committed on such motion, the Committee shall settle the same, and the Chairman shall again certify the Bill, according to the form prescribed in Order No. LXXXII., after which the Council may at once receive the report; and the third reading and passing of the Bill may be moved immediately.

Certificate of President.

LXXXVIII. If the motion for the third reading and passing of the Bill be carried, the President shall sign a certificate at the foot of the Bill in the following form :—

This Bill was passed in the Legislative Council on the day of

(Signed)

President.

Assents may be recorded.

LXXXIX. After a Bill shall have been passed, or thrown out at any stage, any Member present, and voting for the passing or throwing out of the Bill, may record his assent, and his reasons of assent; and any other Member voting for the passing or throwing out of the Bill may affix his signature thereto for all or any of the reasons specified therein, or may add additional reasons for his assent, or may record his assent and reasons separately.

Dissents may be recorded.

XC. Any Member who was present, and voted against the passing or throwing out of the Bill, may record his dissent and his reasons of dissent; and any other Member voting against the passing or throwing out of the Bill may sign such dissent for all or any of the reasons specified therein, or may add additional reasons for such dissent, or may record his dissent and reasons separately.

No assent or dissent to be recorded unless notice given.

XCI. No Member shall be allowed to record his assent or dissent, unless he give notice of his intention so to do at the Meeting at which the Bill shall be passed or thrown out.

Dissents within what time to be recorded.

XCII. No dissent shall be recorded unless delivered to the Clerk of the Council before the expiration of the next ordinary Meeting of the passing or throwing out of the Bill.

Assents within what time to be recorded.

XCIII. No assent shall be recorded unless delivered to the Clerk of the Council before the expiration of the second ordinary meeting of the Council after the passing or throwing out of the Bill.

Governor General's assent when present.

XCIV. If the Governor General be not absent from the Council of India, the Bill when passed shall be sent by message to the Governor General, or to the Governor General in Council, in order that it may be submitted to the Governor General for his assent.

When absent.

XCV. If the Governor General shall be absent from the Council of India, the Bill so passed, together with the record of assent or dissent of any Member, shall be sent by a message to the President in Council, in order that it may be submitted to the Governor General for his assent.

XCVI. If the Governor General give his assent, the Act shall be promulgated in the *Government Gazette*.

Promulgation of Act.

SUSPENSION OF STANDING ORDERS.

CXXV. The Council may suspend all or any of the Standing Orders, and any Committee of the whole Council may suspend any Standing Order, so far as it relates to business then before such Committee. Provided that no motion for such suspension shall be proposed from the Chair unless it shall be seconded. Such suspension ought to be rarely had recourse to, and never without cogent reasons given, to the satisfaction of the Council.

By Council.

By Committee.

CXXVI. Any Member voting against such suspension may record his dissent and the reasons thereof, and any Member voting for such suspension may record his assent and the reasons thereof. Provided that such recorded dissent or assent be given in at the next ordinary Meeting of the Council.

Recording dissents and assents.

SPECIAL STANDING ORDER.

Any Draft Act, which, prior to the 20th of May 1854, was read in Council and published for general information by order of the Governor General of India in Council, may, upon motion, be referred to a Select Committee or may be taken into consideration by a Committee of the whole Council; and such Committees shall proceed respectively in the manner prescribed in the general Standing Orders, after which the Council may proceed in the manner prescribed in the general Standing Orders in respect to Bills settled in Committee.

Bills published before 20th of May 1854.

No. 2025 A.—*Notification.—Revenue Department, Head-Quarters, the 11th October* 1854.

THE Hon'ble the Lieutenant-Governor is pleased to call the attention of all officers under the Government, North Western Provinces, to the "Alphabet to be used in the conversion of names from the languages of the country into English," adopted by the Record Committee in 1820, and prescribed for use in Settlement Records, in paragraph 7 of the "Directions to Settlement Officers," as printed in the Appendix No. 1, thereto appended.

Much diversity at present exists in the mode of rendering names from the Vernacular into English, in official documents generally, and as the Lieutenant-Governor considers it to be very desirable that one uniform system should be followed in this respect, and the Alphabet in question is the most convenient and suitable for the purpose, he is pleased to extend the order regarding its use to all official papers in the different departments.

No. 1209 A.—*Notification.—Public Works Department, N. W. P.,—Head-Quarters, the 14th October* 1854.

NOTICE is hereby given, that from and after the 1st December next, Tolls will be levied under the provisions of Act VIII. 1851, according to the subjoined Schedule, at the following places upon the Grand Trunk Road, and its branches in these Provinces:—

District.	*Position of Toll bar.*
Benares, -- -- -- --	Raja-ka-Tulao.
Allahabad, -- -- -- --	Byragee-ka-Nulla.
Ditto, -- -- -- -- --	Lohunda.
Cawnpoor, -- -- -- --	Sheorajpoor.
Agra, -- -- -- -- --	Five miles from Agra, on the Mynpoorie Branch.
Allygurh, -- -- -- --	Hatrass.
Ditto, -- -- -- -- --	Nanow.
Boolundshuhur, -- -- --	Near Boolundshuhur.
Dehlie, -- -- -- -- --	Hindun Bridge.
Paneeput, -- -- -- --	Canal Bridge near Kurnaul.

SCHEDULE OF TOLLS TO BE LEVIED UNDER ACT VIII. OF 1851.

Specification of Vehicle or Animal.

	Laden.			Unladen.		
	Rs.	A.	P.	Rs.	A.	P.
On every 4-wheeled carriage on springs, with 3 or more horses, and one or more passengers, -- -- -- -- --	2	0	0			
Ditto ditto ditto ditto, without passengers, --	1	0	0			
Ditto ditto ditto with 2 horses, and one or more ditto,	1	0	0			
Ditto ditto ditto ditto, without ditto,-- -- --	0	8	0			
Ditto ditto ditto, with 1 horse and 1 or more passengers,	0	8	0			
Ditto ditto ditto ditto, without passengers, --	0	4	0			
On every 2-wheeled carriage on springs, with 1 or more ditto,	0	8	0			
Ditto ditto ditto, without passengers, -- -- --	0	4	0			
On every 4-wheeled carriage without springs (as a Ruth) with 1 or more passengers, -- -- -- -- -- -- -- --	0	6	0			
Ditto ditto ditto ditto, without passengers, --	0	3	0			
On every 2-wheeled carriage without springs, (as a Bylee or Ekka) with 1 or more passengers,-- -- -- -- -- --	0	4	0			
Ditto ditto ditto ditto, without passengers, --	0	2	0			
On every cart and hackery not on springs, and having wheels of less diameter than 3½ feet, and tyres less in breadth than 3 inches, drawn by any number of bullocks not exceeding 4,	0	4	0	0	2	0
Ditto ditto ditto ditto, not exceeding 6, -- --	0	6	0	0	3	0
Ditto ditto ditto ditto, drawn by more than 6, --	0	8	0	0	4	0
On every cart and hackery not on springs, and not having wheels of less diameter than 3½ feet, and tyres less in breadth than 3 inches, -- -- -- -- -- -- -- --	0	2	0	0	2	0
Buffaloes or Bullocks, per head, -- -- -- -- -- --	0	0	4	0	0	2
Ditto ditto in droves above 12, per score -- -- --	0	4	0	0	2	0
On every Elephant, -- -- -- -- -- -- -- -- -- --	1	0	0	1	0	0
On every Camel, -- -- -- -- -- -- -- -- -- -- --	0	1	6	0	0	9
On a string of Camels above 10 to 20, -- -- -- -- --	1	0	0	0	8	0
And for each additional score, in excess of the first, -- --	0	12	0	0	6	0
On every Horse with rider or laden, -- -- -- -- --	0	1	0	0	0	0

	Laden.			Unladen.		
	R.	A.	P.	R.	A.	P.
On every Horse, without rider or unladen, -- -- -- --	0	0	0	0	0	6
On every Poney or Tattoo with rider or laden, -- -- -- --	0	0	6	0	0	0
Ditto ditto, without rider or unladen, -- -- -- -- --	0	0	0	0	0	3
On every score of Sheep or Goats, -- -- -- -- -- --	0	1	0	0	1	0
On every flock of ditto ditto, above 100 (up to 100 as above), and for each further score above 100, -- -- -- -- --	0	0	6	0	0	0
On every herd of Swine, per 100, -- -- -- -- -- --	0	4	0	0	4	0
On every Mule and Ass, -- -- -- -- -- -- -- --	0	0	2	0	0	1
Dooly, Palanquin, with 4 or more bearers, -- -- -- --	0	8	0	0	8	0
Ditto ditto ditto ditto, with less than 4 bearers,	0	2	0	0	2	0

No. 1332 A.—*Notification,—General Department,—Head Quarters, the 28th October* 1854.

The Hon'ble the Lieutenant-Governor, North Western Provinces, is pleased to re-publish, for general information, the following Notification by the Most Noble the Governor General of India in Council, relative to a reduction in the Postage on Newspapers, Pamphlets, and other printed or engraved papers.

Notification.—Fort William.—Home Department, the 16th October 1854.

The Most Noble the Governor General in Council is pleased, under the authority vested in him by Section XXV. of Act No. XVII. of 1854, to direct, that the single Postage on Newspapers, Pamphlets, and other printed or engraved papers, shall be one anna.

From and after the 1st November next, the Postage on every imported Newspaper, Pamphlet, or other printed or engraved paper, shall be one anna, if the same shall not exceed six tolahs in weight; two annas, if the same shall exceed six, but shall not exceed twelve tolahs in weight; and one additional anna shall be charged for every six tolahs, or a fraction thereof, in weight above twelve tolahs.

The Postage on every Newspaper, Pamphlet, or other printed or engraved paper, not imported, shall be one anna, if the same shall not exceed three and-a-half tolahs in weight; two annas, if the same shall exceed three-and-a-half tolahs, and not exceed six tolahs; and one additional anna shall be charged for every three tolahs, or a fraction thereof, in weight above six tolahs.

No. 1353 A.—*Notification.—General Department,—Head Quarters, the 30th October* 1854.

At the suggestion of the Post Master General, North Western Provinces, the Hon'ble the Lieutenant-Governor is pleased to draw the attention of Magistrates to the Rules prescribed by the Most Noble the Governor General in Council for the management of District Posts, according to which "every letter posted at a District Post Office must have its proper postage stamp affixed to it" (Rule 5); and excepting in the case of registered letters, no other charge is to be made, excepting the quarter of an anna to be levied on delivery (Rule 14).

No. 2211 A.—*Notification.—Judicial Department,—Head Quarters, the 30th October* 1854.

THE Hon'ble the Lieutenant-Governor has been pleased to direct that the Scale of Tolls to be levied on the Bridge of Boats on the Ramgunga, below the city of Moradabad, shall be that prescribed for Bridges upon second-class Rivers, in the Schedule published with the Circular, dated 5th November 1850.

No. 2976.—*Notification.—Financial Department,—Agra, the 27th November* 1854.

THE following Notification, issued from the Financial Department of the Government of India, is re-published for general information:—

No. 41.—*Notification.—Fort William,—Financial Department, the 10th November* 1854.

With advertence to the Notification issued from this Department on the 26th May last, intimating that, after six months from the date of its publication, the rate of interest on Civil deposits in the Government Savings' Bank, would be reduced from 4 to 3 per Cent per annum, and on the deposits of Soldiery, from 4 to 3¾ per Cent., the Most Noble the Governor General in Council is pleased to resolve that all Treasury Notes of European Soldiers that are now out at the several Presidencies, and bear interest at 4 per Cent. under the G. O. of October 1848, shall be discharged at the respective Presidencies on or subsequent to the 26th instant by cash payment, or by transfer, at the option of the holders, to other Treasury Notes bearing interest at 3¾ per Cent. per annum.

No. 2676.—*Notification.—Judicial Department,—Camp Saugor, the 28th December* 1854.

THE attention of the Government having been drawn to the advantage of introducing uniformity of dress among the Subordinate Officers, and men of the Police, Revenue, and Customs' Departments, the opinions of Commissioners, Magistrates and Collectors, were invited on the subject by a Circular issued on the 26th August 1852.

On a consideration of the replies to this Circular, the Hon'ble the Lieutenant-Governor is now pleased to prescribe the following description of usual arms, and dress, for the several branches of the service specified above.

POLICE.

SOWARS.

Indigo blue chupkun, with edging of red (of the *dl* dye color).
Small turban of twisted red and blue cord, in equal breadths.
Buff colored trowsers.
Long boots.
Waist belt of black leather, in which one pistol is to be carried, and to which the sword is to be suspended.

DUFFADAR.

Double breadth to the red edging.
Three chevrons on the left arm in red;
And the rest of the dress as above.

JEMADAR.

Silver cord twisted in the turban with the blue and red.
Silver lace edging to the chupkun;
And the rest as above for sowars.

The chupkun for all ranks will be composed of broad-cloth, or wadded calico, dyed for the cold weather, and dyed calico for the hot season.

The saddle cloth for all ranks will be of blue broad-cloth, with red border, and the head stalls of blue and red twist.

Burkundazes.

Chupkun, indigo blue with red edging (color as above for sowars).
Waist-belt of black leather, carrying a sword.
Red turban.
Buff trowsers.

Duffadar.

Edging of double breadth.
Three chevrons in red on the left arm.
Sword and pistol.
And the rest of dress as above.

Jemadar.

Dress as above for Duffadars, but with three chevrons on the left arm in silver lace.

Thanadar.

The chupkun will be of blue cloth, edged with narrow silver lace, with the word تھانہدار worked in silver thread upon a blue ground in the purtula. No further uniform is prescribed for these Officers.

On the Grand Trunk Road, the Special Police, (Road Burkundazes,) will be distinguished by a red cuff sewed over the sleeves of the chupkun.

REVENUE.

Chupprassies.

Chupkun of rich olive brown,* edged with red.
Black leather belt.
Buff trowsers.
Red turban.

Jemadar.

Red edging of double breadth.
Three chevrons on the left arm in silver lace;
And the rest of the dress as above.

CUSTOMS.

The details of the Customs' uniforms will be left in the hands of the Commissioner, but the chupkuns are, in all cases, to be blue, edged with orange, and the kumurbund and turban to be of a broad cord of blue, twisted with a narrow cord of orange.

Patterns of the several dresses will be separately forwarded to the offices concerned.

Magistrates and Collectors will adopt measures for the gradual introduction of the uniform and arms above described, according to the directions issued to the Commissioners.

* The color known in some parts of the country as "masee," in others as "ugrae."

No. 2689 A.—*To all* COMMISSIONERS.—*Judicial Department, dated Camp Saugor, the 30th December* 1854.

I AM desired by the Honorable the Lieutenant-Governor to transmit to you, for communication to the Magistrates of your Division, the accompanying copy of a letter, as noted in the margin*, expressive of the opinion of the Court of Nizamut Adawlut on the general legal point raised on the trial at Moradabad of Willayut Hoossein Khan, Deputy Collector and Magistrate, charged with being concerned in an affray on the occasion of the Mohurrum festival in that city.

* Letter from Dewanny Adawlut, to Judge of Moradabad, No. 175, dated 9th instant.

(COPY.) No. 175.—*From* OFFICIATING REGISTER TO THE COURT OF NIZAMUT ADAWLUT, *North Western Provinces, to the* SESSIONS JUDGE OF MORADABAD, *dated Agra, the 15th March* 1854.

THE Court having had under their consideration the remarks recorded by you, on the acquittal of Willayut Hossein Khan and nineteen others, of the charge of affray, and riot with homicide of seven persons, as exhibited in your acquittal Statement for January last, direct me to communicate as follows:—

2nd.—Without entering into the details of all your reasons for considering these individuals not guilty of the charge laid against them, the Court deem it important to state their dissent from your conclusion, that, while the conduct of Willayut Hossein Khan, (whose official position and designation should have been specified in the history of the affair, as having a direct bearing on the character of his act,) in carrying the "Taboot" or Bier, in procession to the "Kurbala," under the circumstances represented by the evidence, was injudicious; it did not involve any illegal act. The circumstances appear to be briefly these:—Willayut Hossein Khan, a Sheea, while most of the inhabitants of the town of Moradabad, in the immediate vicinity of which this very serious and fatal affray occurred, are of the rival sect of Soonnees, had never hitherto performed the "Tazeeadaree" ceremony in this locality, except in the year before last, when he conducted his procession out at night. This was therefore a new experiment, undertaken in a manner directly calculated to provoke a hostile demonstration and collision, such as unhappily occurred, inasmuch as this person took with his "Tazeea," a Bier so arranged, as to represent the appearance of a corpse borne thereon, and to show that he apprehended the likelihood of opposition, most improperly availed himself of his official position to accompany the party with an escort guard of horsemen and footmen, armed with weapons; viz. four Sowars and a Duffadar, and eight Nujeebs of the Jail guard.

3rd.—The Court consider it immaterial whether the weapons used by the attacked party were, or were not, had recourse to in self-defence. When a course of action, of the nature above described, is deliberately adopted, with a consciousness that dangerous results are likely to ensue therefrom, the Court hold that the party adopting them must be regarded as legally responsible for all consequences which follow, and therefore they are unable to concur in the grounds of acquittal put on record by you in the present case.

CIRCULAR ORDERS

OF THE

SUDDER DEWANNY ADAWLUT,

NORTH WESTERN PROVINCES,

FOR 1854.

No. 12.—*To the Civil Authorities, North Western Provinces.—Agra, the 4th January* 1854.

WITH reference to the changes in the judicial procedure of the Civil Courts of these Provinces, recently introduced by the enactment of Act XIX. of 1853 for the amendment of the law of evidence in the Bengal Presidency, the Court of Sudder Dewanny Adawlut are pleased to issue the following explanatory instructions for the assistance and guidance of the subordinate Judicial Officers.

2nd. The Court request the attention of the Judges to the distinction between the two classes of witnesses, referred to by Section 5, and by Sections 2, 3, 4 and 23, the former of whom can be compelled to give evidence by an adverse party in the suit, while the latter are merely declared to be competent to offer themselves as witnesses in a suit on their own behalf, or in behalf of any other party to it.

3rd. With regard to the stage of a suit at which a day is to be appointed for the examination of witnesses, and which, under the rule laid down in Section 6, can only be after the parties have filed their exhibits and lists of witnesses, the Court observe that these exhibits and lists must first be called for on defined issues, under the rules of Section 10, Regulation XXVI. of 1814, when the day for the examination has been appointed, the Courts should be careful to time the summons issued to the witnesses under Section 7, Regulation III. of 1803, so as to secure their attendance at the required time.

4th. The Court direct the particular observance of the Rules contained in Sections 8 to 11, for the protection of parties, to a suit against a vexatious perversion of the Law by applications for their attendance as witnesses without good and sufficient reason for the requisition of such personal appearance. It will be seen by a reference to the Section 8, that it rests with the Court to decide on the sufficiency of the grounds of the application. The power of summoning such parties, now for the first time vested in the Civil Courts, is an innovation upon previously existing judicial procedure, and the Court expect that the Courts of first instance will act with the utmost firmness and discretion in introducing the new system to the community.

5th. The attention of the Courts is requested to the provisions contained in Sections 19 to 22, regarding the obligation of persons, as they are, or are not parties to a suit, to produce documents in evidence, and also to the distinction between the provisions of Sections 24 and 27, the former of which authorises the issuing of an order for the apprehension of a witness to whom a summons may have been personally delivered, while the latter confers only the more limited power of attachment and sale

of property, after the issue of a proclamation, where there has been no personal service of summons.

6th. The Court enjoin the closest attention to the very important provisions of Section 31, for the recording of oral evidence in open Court, "in the presence and hearing, and under the personal direction and superintendence of the Judge trying the case." These words, the Court observe, must be taken in their strictest and most literal acceptance, which conveys that the Judge must personally superintend and be cognizant of every question put to, and answer given by, a witness, at the time that his evidence is being committed to writing.

7th. With reference to the provision in Section 40 for compelling a plaintiff or defendant to file with a pleading or statement any document to which he may refer in it, which may be in his possession or power, the Court observe that under this rule, all parties to suits, who may in their pleadings refer to any documents in their possession as a material proof in support of their claims or defence must file the same simultaneously with the pleading or statement in which reference is made thereto.

No. 226.—*To the Zillah Judges, North Western Provinces.—Agra, the 6th February* 1854.

THE Court of Sudder Dewanny Adawlut request the attention of the Zillah Judges to the requirement of Section 1, Act No. XII. of 1843, in regard to their obligation of writing originally in English all orders passed by them for reviews of judgment, and signing the same at the time of pronouncing the order, such rule being found to have been neglected, and the return, for correction of the illegality of several appplications from Judges for permission to review their judgments, having been found necessary by the Court in consequence.

No. 392.—*To the Civil Authorities, North Western Provinces.—Agra, the 24th February* 1854.

I AM directed by the Court to notify, for your information and guidance, that as Section 16, Regulation XXVII. of 1814, has been repealed by Section 1, Act XX. of 1853, pleaders who have obtained certificates under Section 4, Act I. of 1846, as also those who have been appointed pleaders under Sections 3 and 4, Regulation XXVII. of 1814, are competent to practice in any Court co-ordinate or subordinate to that to which they stand appointed.

No. 660.—*To the Civil Judges, North Western Provinces.—Agra, the 17th March* 1854.

THE Sudder Dewanny Adawlut have observed, in cases recently brought before them, an abuse, on the part of some native judicial functionaries, of the provisions of Act No. VII. 1841, in examining witnesses by commission, without the special reasons contemplated by Section 5 of that enactment, and the Court are pleased to direct the attention of the local officers to the scope and object of the Act referred to, any departure from which is inexpedient and objectionable, particularly with reference to the strict provisions of Section 31, Act XIX. 1853, for the recording of oral evidence in open Court, "in the presence and hearing, and under the personal direction and superintendence of the Judge trying the case," save in the special instances excepted by that law.

No. 793.—*To the Civil and Sessions Judges in the North Western Provinces and Commissioner of Kumaon.—Agra, the* 10*th April* 1854.

I AM directed by the Court to forward for your information the accompanying copy of a letter from the Under-Secretary to the Government of India, No. 199, dated 24th February last, together with a copy of the Resolution of the Most Noble the Governor General of India in Council on the subject of the summary dismissal of Uncovenanted Servants.

2nd. You are requested to furnish to the Court, on the 1st July and 1st January of each year, half-yearly lists in the accompanying Form of all Uncovenanted Servants of your Office, and of those subordinate to you in the Civil Department, dismissed while on the receipt of salaries exceeding 10 Rs. a month.

(COPIES.)—No. 199.—*From* G. COUPER, ESQ., *Under-Secretary to Government of India, to* C. P. CARMICHAEL, ESQ., *Assistant Secretary to Government, North Western Provinces.—Home Department, dated the* 24*th February* 1854.

With reference to Mr. Secretary Dorin's letter, dated the 19th September 1851, I am directed to forward, for information and guidance, and for the issue of the necessary orders, the accompanying copy of a Resolution this day recorded by the Most Noble the Governor General in Council, regarding the summary dismissal of Uncovenanted Servants.

No. —. —*Fort William, Home Department, the* 24*th February* 1854.

Read, a memorial from Mr. W. E. Gordon, and other Uncovenanted Servants, praying for the publication of paragraph 9 of the Hon'ble Court's Despatch in the Financial Department, No. 42, dated the 6th August 1851, with such Subsidiary Rules as the Supreme Goverment may deem proper, to give effect to the intentions of the Hon'ble Court therein signified.

The Most Noble the Governor General in Council observes that the Hon'ble Court, in the paragraph of the Despatch above cited, expressed an opinion that the Supreme Government should issue instructions to be kept informed of the dismissal of all Uncovenanted Servants receiving salaries of above 10 rupees a month, so as to afford it an opportunity for enquiring into cases in which the cause might appear unsatisfactory or questionable.

But as by some oversight, no measures appear to have been taken in the Financial Department on receipt of the Hon'ble Court's Despatch for the establishment of any such rule, His Lordship in Council has again reviewed the whole matter, and is of opinion that it is inexpedient that the dismissal of every Uncovenanted Servant, on the receipt of more than 10 rupees per mensem, should be reported to the Supreme Government, with a view to enquiry respecting it. The control of such matters, it appears to His Lordship in Council, rightly belongs to the Local Governments, who are the proper authorities to check such abuses as those animadverted upon by the Hon'ble Court.

A half-yearly list of all such dismissals, with the cause briefly set forth, should be sent to the Governor General in Council.

Ordered, that a copy of the foregoing Resolution be forwarded to the Financial, Foreign, and Military Departments, and to the Local Governments, for information and guidance, and for the issue of the necessary orders for the establishment of a rule to prevent the arbitrary dismissal of the Uncovenanted Servants based on the suggestions of the Hon'ble Court above referred to.

Name.	Age.	Office from which dismissed.	Office in Column 3 how long held.	Length of service under Government before appointment to office in Column 3.	REMARKS.
					Here state briefly the cause of dismissal, and whether an appeal was preferred to Superior Authority against the order of dismissal, and with what result.

No. 879.—*To the Civil Authorities, North Western Provinces.—Agra, the 24th April* 1854.

IN continuation of their Circular No. 12, of the 4th of January last, published in the *Agra Government Gazette* of 31st idem, the Court are pleased to call the attention of the Civil Authorities in these Provinces to paragraph 7 thereof, the rule referred to in which (Section 40, Act XIX. 1853) regarding the *compulsory* filing of the documents alleged as proof *simultaneously* with the pleading or statement which makes allusion to them, there is reason to apprehend has not, in some Courts, been duly understood or acted upon.

2nd. The Court remark that the terms of Section 40, Regulation XIX. of 1853, are imperative, and that no pleading or statement of the nature to which the Section refers should be received without the necessary accompaniment prescribed by law, and the neglect to comply with this injunction should, in every instance, be certified by the Serishtedar or Head Officer of the Court, for the special orders of the presiding Judge.

No. 1047.—*To the Civil Judges in the North Western Provinces.—Agra, the 19th May* 1854.

WITH a view to the repression of an irregular practice which may be found to prevail more widely than in the District in which it has been brought to notice, the Sudder Dewanny Adawlut are pleased to notify as follows:—

It has been communicated to the Court by the Sudder Board of Revenue that in actions wherein the Government represented by the Collector, is the real Defendant, the Moonsiffs, before any reply has been received from the Commissioner of the Division, are in the habit of allowing processes to be issued against the Tehseeldars or other subordinate Native Officials, who may be included, as nominal Defendants, in the plaint, a course which, the Board rightly remark, is unnecessary, increases the costs of litigation, diminishes the probability of amicable adjustments, and is, likewise, irregular.

The Court are accordingly pleased to prohibit its adoption in future, and they desire that the Judges will satisfy themselves that the practice is discontinued under these orders, if found to prevail in their Districts. The Court observe that Regulation II. 1814, Section 3, Clause 1st, prescribes the course to be followed by the Civil Court in the instance referred to, while provision is made by Circular Order Sudder Dewanny Adawlut, dated 6th August 1830, for the proper procedure on the occurrence of delay in the receipt of a reply from the Revenue Authorities to the requisition of the Civil Court, viz. that if six weeks elapse without an answer, a report of the circumstance is to be made (through the Zillah Judge) to the Court for the orders of Government. The issue of any intermediate process, until such answer be received, is irregular on the part of the Civil Court.

No. 1393.—*To the Civil Judges in the North Western Provinces.—Agra, the 21st July* 1854.

In adoption of a Circular Order, issued by the Presidency Court under date 16th June last, and in continuation of that of the Western Court, dated 9th September 1853, No. 1442, the Court notify the rescission of Circular Order No. 19, dated 3rd August 1838.

2nd. In future, when a case in appeal is remanded to any Court for re-trial, such Court, on the receipt of the record from the Appellate Court, will affix a notification in the Court room in the following form:—

Case No. 150 of 1853.

A. B. ——————————, *Plaintiff.*
C. D. ——————————, *Defendant.*

Whereas this case has been remanded for re-trial, the parties and their vakeels are hereby warned, that if they do not proceed in the case within six weeks from this date, it will be liable to be struck off on default under Act XXIX. of 1841, dated 9th May 1853, corresponding with 28th Bysakh 1260.

No. 1490.—*To the Civil Judges in the North Western Provinces.—Agra, the 2nd August* 1854.

With the sanction of Government, the Court publish, for the information of the Civil Judges in the North Western Provinces, and for communication to the Registers of Deeds in their respective Districts, copy of a letter No. 760, dated 31st March, from the Under-Secretary to the Government of Bengal, and request that they will be careful that no other books than those supplied by the Superintendent of Stationery be made use of by the Registers of Deeds, from and after the 1st January 1855.

2nd. Each Register of Deeds will, with as little delay as possible, forward through the Judge to the Superintendent of Stationery, an indent, showing the number of pages which, with reference to the number of Deeds usually registered in his office, will be sufficient for each description of book required in his office by the Court's Circular Order No. 62, of 26th July 1844, W. P. There are seven books required for the various kinds of Deeds. One book for copies of Powers of Attorney, and two books for the Annual Indices. The cost of the books will be recovered by the Superintendent of Stationery, from the officer holding the Registry of Deeds, who makes the indent.

3rd. In their Annual Report on the Registry Offices, the Judges will be careful to attend to the instructions conveyed in paragraph 1 of the Government letter.

(COPY.)—No. 760.—*From the Under-Secretary to the Government of Bengal, to the Register of the Sudder Court, Judicial Department, dated Fort William, the* 31*st March* 1854.

I am directed by the Most Noble the Governor of Bengal, to acknowledge the receipt of your letter No. 507, dated the 24th instant, and to annex copy of a letter this day addressed to the Board of Revenue, on the subject of the supply of books to the Registry Offices. His Lordship desires that the Court will issue instructions accordingly to the several Judges, and Registers of Deeds, subordinate to them, and that they will inform the former officers that, in future, they will be expected to include, in their Annual Reports on the offices for Registry of Deeds, a statement, that the Registrar has provided himself with the proper books from the Stationery Office.

2nd. In addition to these precautions for the preservation of these important documents, his Lordship is pleased to direct that the Registers be instructed to have the Almirahs, containing the Deeds, periodically smeared with earth-oil, and the Judges will, on the occasion of their periodical inspection, also report whether this has been done.

No. 1495.—*To the Zillah Judges in the North Western Provinces.—Agra, the 2nd August* 1854.

THE Court of Sudder Dewanny Adawlut are pleased to circulate, for general information, and as a subject for enquiry, and (as the result may suggest) report, if necessary, on the part of the District Judges, the annexed Extracts, paragraph 6, of a report on Civil Justice for 1853, from the Judge of Meerut, (Mr. G. Blunt,) and paragraph 5 of the Resolution recorded thereon by the Court, relative to the prevalence of confessions of judgment in the Native Courts of Justice, and the supposed explanation of that fact.

Extract, paragraph 6, *of the Report on the Administration of Civil Justice, for the year* 1853, *for Zillah Meerut.*

But on reference to Statement No. 5, the number of cases decided on trial, especially by the Moonsiffs of Hauper and Secundrabad, appears to me unusually small, whilst the total of cases disposed of in all the Courts, on confession of judgment, is greater than that of cases disposed of on trial, and *ex parte* taken together. I have been for some time endeavouring to discover the reasons for so many cases being disposed of by confession of judgment as the practice prevails throughout the country, and the conclusion I have arrived at is, that though no doubt in some cases *iqbal-dawas* are collusive, and filed with a fraudulent intent of injuring other parties, that in the majority of cases, confessions of judgment are *bonâ fide*, and are enforced by bankers and money-lenders, who refuse to advance loans without the security of a decree of Court. The usual method is for the lender to bring an amicable suit on a bond, but no money is really advanced until a confession of judgment is given. The practice has arisen from a general want of faith which pervades society in this country, and from the idea that a decree of Court, on confession, of judgment, is the very best security that can be given.

Extract, paragraph 5, *of the Resolution recorded on the report on the Administration of Civil Justice for the year* 1853, *for Zillah Meerut.*

The Judge, in his 6th paragraph, in allusion to the large number of suits decided on confession of judgment, by the Moonsiffs (934 out of 1749 total decisions,) and to a similar prevalence in other Districts, is of opinion that such a procedure is not (generally) *injuriously* collusive or fraudulent, but that a decree of Court is acquired by the lender, *after* adjustment of the loan on bond, but *before* advance of the money, as the best security that he can obtain for the transaction, through the means of an amicable suit, in which the borrower makes a nominal acknowledgment of the justice of the demand. The Court remark that such a course can scarcely be regarded as *bonâ fide*, or otherwise than an abuse of the proper object for which Courts of Justice are designed. If the fact be, as stated by Mr. Blunt, within the sphere of his own observation, a similar preponderance of judgments confessed, in other parts, may perhaps be similarly explained. The Court propose to circulate the remarks of the Judge of Meerut for general enquiry on this subject.

No. 1674.—*To the Civil Judges in the North Western Provinces.—Agra, the* 21*st August* 1854.

To correct any misapprehension, such as has been found, in some instances, to prevail relative to the interpretation of Act No. XXXIII. of 1852, in connexion with process of execution of decree issued upon property situated in another jurisdiction, the Court circulate, for general information, the following rule:—

2nd. It has been supposed that the Act referred to, supersedes and abolishes the mode of procedure current before its enactment, according to which a requisition is made by the Court, in which process of execution has issued on the Judge of the zillah in whose jurisdiction the property of the defendant may be situated, to bring the same to sale, and conduct any process contingent thereon, according to the rules cited in the margin*.

* Construction 1000, Circular Orders, Sudder Dewanny Adawlut, dated 8th May 1840, and 24th September 1841.

3rd. This is, however, declared not to be the case. The Act in question was designed "to facilitate the enforcement of judgments," and thereby to give relief to decree-holders, by conferring on them a power of realizing their decrees under circumstances which, as the Law previously stood, would have been preventive of such realization. It was not the intention of that enactment to abolish or restrain previously existing facilities, or to put decree-holders to expense and trouble, by the substitution of a more difficult for a simpler mode of procedure. The whole wording and tenor of Act XXXIII. of 1852 are, upon this principle, permissive not injunctive, cancelling no existing Law or rule of practice, and, by the terms of its first Section, expressly confining its operation to parties who "shall be unable to enforce, or obtain satisfaction" of their decrees.

4th. The native Courts will take due notice of the foregoing remarks, and will regulate their procedure accordingly.

No. 972.—*To the Judicial and Magisterial Authorities, North Western Provinces.—Agra, the* 2*nd August* 1854.

In furtherance of the notification of Government, dated 5th, and published in the *Agra Government Gazette* of the 11th, ultimo, appointing Moonsiffs of the first grade,

Deputy Magistrates under Act XV. of 1843, with the powers of an Assistant Magistrate under Section 20, Regulation IX. of 1807, the Court are pleased to publish the following instructions, for the information and guidance of the several officers concerned.

2nd. Magistrates will possess the option, and use the discretion of employing such Moonsiffs only, out of the body thus generally invested with limited criminal jurisdiction, in the performance of criminal work, as may be located at stations where there is no Tehseeldar exercising the like powers at the same place, or where, from the pressure of criminal business, the aid of more than the single class of officers may be found necessary.

3rd. The power of receiving petitions of complaint, in the first instance, under Act X. of 1854, will not be exercised by the Moonsiffs affected by these orders, save under express authority, in special instances of local exigency, as where there may be no Tehseeldar, or where the measure may be, on any ground, recommended by the Magistrate, whose opinion, in each case, will be submitted through the Court, for the previous sanction of the Government to the arrangement.

4th. Besides the trial and disposal of those petty cases in which the interference of the police is prohibited by law, the Magistrates are not precluded from referring to the Moonsiffs, acting under these rules, cases of minor thefts for investigation and orders, or petty burglaries for report, after investigation, in which parties may wish to proceed according to Regulation II. of 1832, or in which the Magistrate may see fit to direct an enquiry.

5th. Moonsiffs employed under these rules, whose kutcherries are situated at the same town or village as a police thannah, will cause such orders as it may be requisite to issue in connexion with cases under trial before them to be served through the local police officers, who are directed to carry them into effect accordingly. The Moonsiffs, though superior, as Deputy Magistrates, to the Darogahs and all other police officers, are not to exercise any police powers, or to quit their Courts for the purpose of any local enquiry, or for the prevention of affrays or other crimes. They are expected to act in friendly communication with the officers of police; but it will be their duty, in case of any gross neglect or abuse of power brought to their knowledge on the part of the police, to report the circumstance for proper orders thereon to the Magistrate. Moonsiffs are strictly prohibited from imposing fines on any police officers, or village watchmen, except on charges under trial judicially brought to their cognizance.

6th. Moonsiffs acting under these orders, whose station is identical with the site of a police thannah, will use the thannah lock-up room for the custody of those defendants under trial before them, who may be unable to furnish bail, or who may stand charged with an unbailable offence. If a defendant, or conviction, be sentenced to imprisonment, either directly or alternatively, on non-payment of a fine imposed on him, he must be immediately forwarded to the Jail of the district, through the police, to undergo his sentence; but it is expected that the Moonsiffs will, as much as possible, restrict their sentences to fines apportioned to the means in life of the parties implicated in such inconsiderable cases as they will chiefly have cognizance of other than petty thefts. It must be clearly explained to the Moonsiffs that they possess no power to inflict corporal punishment, or to make a demand from parties for security for good behaviour, or to keep the peace.

7th. If a Magistrate should deem it expedient to refer criminal cases to any 1st grade Moonsiff, the location of whose Court is not identical with the station of a thannah, he will make a special report, indicating what he proposes, and whether the Moonsiff's kutcherry, in such case, is susceptible of removal to the thannah station, or *vice versâ.*

8th. The Moonsiff, to whom a complaint may be referred for investigation and decision under these orders by the Magistrate, shall, if he find by enquiry and examination of the prosecutor, that a *primâ facie* case is made out against the accused, send for the complainant's witnesses, in order to satisfy himself, by their statements, that the defendant should be summoned, and, after hearing all that the accused and his witnesses may say, shall dispose of the case. If the Moonsiff discover that the complexion of the case is graver than the extent of punishment he can award would meet, or if he find that it is connected with other similar or more serious charges pending before any other criminal authority in the district, he will return the proceedings to the Magistrate with a corresponding report.

9th. Moonsiffs will employ their own Omlah, Nazir, and Peadahs in the conduct of the criminal cases brought before them on reference from the Magistrate, or which they may be hereafter specially authorized to take up of themselves. Their processes will issue under their signature, and the seal used by them as Civil Judges, the proceeding being headed "Deputy Magistrates according to Act XV. of 1843, with powers of Assistant." They will be supplied with such Registers, printed forms, and stationery, as the Magistrate may consider to be necessary from his office.

10th. Moonsiffs employed in the Criminal Department will submit monthly statements of their work direct to the Magistrate of the district, forwarding at the same time, the misls of cases decided during the month, for deposit in the Magistrate's office. The same appeal from their order will lie as is provided from decisions passed by an Assistant, by Section 2, Act XXXI. of 1841.

11th. Moonsiffs who shall have criminal cases assigned to them under this order, are to be cautioned that their Civil duties must be regarded as their primary and most important work. It will not be accepted as a valid excuse for defective performance of Civil business, that the Moonsiff was occupied in the Criminal Department. Occasional communication and consultation between the Magistrate, and Judge of the district on this point will answer every purpose, and either prevent the reference of criminal cases to a Moonsiff known to be burdened with Civil business, or ensure their withdrawal from him, after reference, in the event of their interference with his due discharge of the duties of the Civil department.

12th. The Magistrates will embody the results of the Moonsiff's labors in their criminal capacity in the monthly statements, in the same mode as is done regarding Covenanted Assistants exercising powers of a similar extent.

13th. The working of this experiment, designed by the Government as a mark of confidence and honor towards the superior grade of this class of Native Judges, and as shewing that the Government esteem them to be as trustworthy as the Tehseeldars invested with similar powers, as well as intended to afford a speedier and more effective redress of criminal wrongs on the spot of the injury, will be attentively watched by the local authorities, and a report in its regard will be included in the next Annual Criminal Report sent up by each Magistrate, in whose jurisdiction the scheme may take effect.

No. 1840.—*To the Civil Authorities in the North Western Provinces.—Agra, the 30th August* 1854.

THE Court having found that numerous petitions of special appeal, forwarded by the Zillah Courts under the provisions of Section 5, Act No. XVI. of 1853, have been drawn up in entire disregard of the requirement of Section 6 of the same Act, prescribing that each such petition "shall set forth concisely, and under distinct heads, the grounds of objection to the decision appealed from, without any argument or narrative;"

* *N. B.*—Pleas on the merits ("rooeedadee oozr.")

and as the diffuse detail and exposition of facts and pleas* on the merits, exhibited in many such petitions, besides being a contravention of the law, most inconveniently and needlessly occupy the time of the Court, the attention of the District Officers is called to the following rule.

2nd. In future, the Zillah Courts, before whom a petition of special appeal may be filed under the option given by Section 5, Clause 1 of the Act, will satisfy themselves within the period prescribed in that Clause, that it is drawn up strictly in accordance with Section 6 of the Act, viz. with the exhibition of such grounds of objection as may be urged, unaccompanied by argumentative or narrative detail, under distinct heads concisely expressed, and bearing consecutive numbers. If the petition be not so drawn up, the Courts will return the same to the applicants, or their vakeels, with an order under the signature of the presiding Officer, stating the reason for which the petition has been returned, and at the same time enjoining the party to file a corrected petition within the original period allowed by Clause 1, Section 5 of the said enactment.

3rd. As the present law of special appeal makes no provision for the deduction of the period during which a detention of the stamp paper may occur in the office, whence copy of the decree is taken out, in calculating the time of appeal, but is imperative in respect to the limit of time assigned, the Court think it just to the public to direct the particular attention of the local Civil Courts to the prompt preparation of their decretal orders, with a view to the timely delivery of transcript to applicants without more delay than may be unavoidable in the completion of the copy.

No. 1963.—*To the Civil Authorities in the North Western Provinces.—Agra, the 22nd September* 1854.

THE Court of Sudder Dewanny Adawlut are pleased to prescribe the following rule for the general information and observance of the Civil Courts of Justice on all occasions of their summoning, as witnesses, official servants of Government, employed in the revenue, or other department of the public service.

2nd. Simultaneously with their issue of such summons, the Courts will invariably make a communication of their having done so, by usual proceeding or letter, to the official superior of the party so summoned, with a view to the latter being enabled, if necessary, to make arrangements for the performance of the summoned person's duty during his absence, and thus to obviate inconvenience on that account.

3rd. Thus if a Native Judge have occasion to summon a Putwaree or Canoongo, to give evidence, he will immediately send an official proceeding, intimating that fact to the Collector, to whom such officer is subordinate.

4th. With respect to the expenses of witnesses so summoned, the Court observe that parties at whose instance, or for whose benefit the evidence of Revenue officials is required, should, in the first instance, pay them under Section 12, Act XIX. 1853, the amount being eventually included in the costs of the suit.

No. 1983.—*To the Civil Authorities in the North Western Provinces.—Agra, the 27th September* 1854.

IN modification of the Circular Order dated 19th, and published in the *Agra Government Gazette* of 30th May last, paragraph 3, and of a previous Circular therein quoted, and dated 6th August 1830, the Court circulate, for general information and adoption, the following revised rule of practice relative to petitions of suit against

Government, forwarded by the Civil Courts to the Revenue Authorities, under the provisions of Section 3, Regulation II. 1814.

2.—If after the lapse of one full month from the despatch of such reference, no answer shall have been received by the Court making it, that authority will forward an usual proceeding, or letter, (according as Hindoostanee or English may be the language of the presiding Judge) to the Commissioner of Revenue, by way of reminder, and, in the event of no reply being received after the expiry of six weeks from despatch of the original reference, will report the circumstances, as heretofore, through the prescribed channel, to the Sudder Dewanny Adawlut, who will, thereupon, ordinarily make a direct communication to the Sudder Board of Revenue, on the subject of the delay.

No. 2031.—*To the Civil Judges in the North Western Provinces.—Agra, the 6th September* 1854.

THE Court have had their attention called by the Government to certain rules promulgated by Circulars in 1852 by the Sudder Dewanny Adawlut, in the Lower Provinces, designed to secure the arrangement, as they are filed, of all the records in Civil Suits into two classes, one of which is to be retained for twelve years, and the other destroyed after the lapse of one year. It has been observed by the Honorable the Lieutenant-Governor that the extension of the same principle to these Provinces, would provide for the future periodical and systematic removal and destruction, of all unnecessary records, of which His Honor, on inspection during the past cold weather tour of the Record-rooms of various Zillah Courts, found a considerable and an inconvenient accumulation, reaching back, in some instances, to a remote date.

2nd. Though this Court did not adopt the Circular rules referred to, at the time of their original issue by the Calcutta Court, their attention has been lately directed to the subject of reducing the bulk of accumulated records of old date by all legitimate means, and a Circular, dated 31st March, published in the *Agra Government Gazette* of the 2nd May last, issued in extension of former orders, conveyed authority for the destruction of useless records (defined and limited by previous rules) up to the end of 1841.

3rd. Fully concurring in the principle of the present suggestion, and in the statement that there are numerous papers connected with the entire record of a Civil Suit, the retention of which, after final decision in the last resort (having no bearing on the merits of the case) is superfluous, tends to crowd the Record-room, and entails trouble and expense in their preservation, the Court, accordingly, promulgate, for the observance of the several grades of Judicial Officers, the following Instructions.

4th. From the commencement of the year 1855, it is directed that the papers of each regular original suit, *as they are filed,* in any Court of primary jurisdiction, shall be divided into two *Nuthees,* (A. and B.,) the former including all papers destined for preservation for twelve years, the latter comprehending papers capable of destruction after the expiration of one year, from the date of decision in the Court of final resort, or from the termination of the period of appeal, as may be. The first *Nuthee* (A.) will comprise all papers and documents required either *in appeal,* or for future reference in subsequent suits bearing upon the identical property, and relating to the same parties, and it will include—

(NUTHEE A.)

1. The original list of papers.
2. The entire pleadings.
3. All documents filed by parties, including Razeenamahs and Soolehnamahs.
4. All the oral evidence taken in Court.

5. Papers, including final Report, and Map, of Ameens deputed to local enquiry.
6. Petitions of third parties.
7. Arbitration awards.
8. The Court's final decree.
9. The decree-holder's application for execution, with schedule of property.
10. The Court's final order in execution of decree.
11. Petitions of plaint adjusted by Razeenamah.
12. Petitions of appeal remanded for re-trial.
13. "Chelans," or Receipts, for money paid in execution of decree. (*Note.*—Under this head will be included receipts for original documents returned to parties after decision of a suit. The retention of such vouchers for a period of twelve years would bar any subsequent suit that might be preferred by parties claiming to be connected with the transaction they represent.)
14. Petitions of claimants, or *oozurdars*, in execution of decree, provided that shall not have been completely executed sooner than the period to which *Nuthee A.* refers. Papers regarding *attachment*, under Regulation II. 1806, before or after the decision, will follow the same rule.

5*th*. *Nuthee B.* is intended to contain papers appertaining to *procedure* not bearing on the *merits* of the case, or those which, after completion of the process to which they refer, after the time for preferring a regular or special appeal shall have passed by, or after final decision by the Appellate Court of ultimate resort, can no longer be of any present, or prospective, use. It will comprise—

(NUTHEE B.)

1. Notices to parties with the returns thereto, excepting notices and proclamations in cases decided *ex parte*.
2. "Wukalutnamahs," (in which pleaders' fees have been paid.)
3. Subpœnas, Sooruthals, &c.
4. Certificates regarding the state of documents at the time of filing (if recorded separate from the document.)
5. Bywustahs and Futwas (after registration in the office.)
6. Preliminary proceedings of the Court under Sections 10 and 12, Regulation XXVI. 1814.
7. Interlocutory proceedings of the Court.
8. Petitions of *oozurdars*, and papers regarding attachment under Regulation II. 1806, if the decree shall have been fully carried into execution within the twelve month.
9. Copies of Collector's proceedings, under Section 30, Regulation II. 1819, (the originals of which are in the Collector's office.)

6*th*. The following *miscellaneous papers* are also indicated as coming under the rule of *Nuthee B.*, and therefore susceptible of destruction by the Judges of the Zillah Courts after the lapse of one year:—

I.—Monthly and Annual Statements of Lower Courts.
II.—Monthly Returns of documents registered by Kazees.
III.—Monthly Statements of Sale Ameens.
IV.—Petitions for review of judgment which have been rejected.
V.—Summary Appeals from orders of Lower Courts rejecting, or dismissing original suits, on any default.
VI.—Petitions of appeal from interlocutory orders passed in regular suits.
VII.—Roobakarees of the Lower Courts forwarding notice, proclamation, &c.
VIII.—Roobakarees from other districts of similar tenor.

IX.—Roobakarees of Lower Courts calling for cases for reference, which have been disposed of, and filed in the Record office.

X.—All petitions of appeal from orders imposing fines.

XI.—Petitions under Act XVI. 1845, for re-admission of appeals.

XII.—Petitions under Act IX. 1839, and Sections 5 and 12, Regulation XXVIII. 1814.

XIII.—Petitions of Insolvents under Section 11, Regulation II. of 1806.

XIV.—Precepts and Proceedings from Sudder Dewanny Adawlut.

XV.—Proceedings and Reports from Principal Sudder Ameens, Sudder Ameens, Moonsiffs, Nazirs, and other functionaries.

XVI.—Proclamations from Collector's office regarding Sales, Butwarras, Transfer of Names, Settlement of Abkaree, &c.

XVII.—Applications from candidates for employment, asking for leave, &c.

XVIII.—Applications for transfer of Suits.

7th. In the event of its occurring to any Judge, that particular entries of the above detail are open to exception, or susceptible of more appropriate exhibition in one schedule than in another, remarks are invited before the close of the year upon any point suggestive of doubts. It has, for instance, been noticed to the Court, in reference to No. 8 of the first list in Nuthee B. that, in no case should orders for attachment of property, under Regulation II. 1806, be destroyed within twelve years, and reasons have been assigned for this opinion.

8th. In pursuance of a Circular of the Presidency Court, dated 26th August 1853, the Court notify that the Circular Orders cited in the margin*, and the Circular of Western Court, supplementary to the No. 102, dated 14th July 1845, are to be considered as superseded. Regarding decided cases already deposited among the records of the Zillah Courts, which have been more than one, but less than twelve years in the office, Judges will direct their Record-keepers to proceed, as leisure shall allow, in the separation of the papers contained in them according to the above distinction of Nuthees A. and B., in order that such papers as fall under the *latter* schedule may be burned with such precautions as shall make it certain that the order has been duly carried into effect, or dealt with as allowed by Circular No. 1179, dated 12th, published in the *Agra Government Gazette* of 20th June last. With regard to papers appertaining to the *former* schedule, and requiring to be preserved until the end of the twelfth year from the final decision of the case, the Court direct that the course sanctioned for adoption in the Districts under the Calcutta Court*, as followed by the Judge of Backergung, be generally observed. In the list which is affixed to each *Nuthee*, containing a detail of every paper that forms the record, and which is classed as No. 1 of Nuthee A., the Record-keeper, or person charged with the duty of separating the papers, will be directed to indicate the particular papers to be *preserved* by some distinguishing mark of a kind which cannot be erased without much risk of detection.

* No. 81, dated 1st February 1833.
No. 112, dated 1st August 1834.

* Circular Order Lower Provinces, dated 4th July 1853.

9th. With regard to cases which have been more than twelve years in the Record office, the rule laid down in the Court's Circular No. 821, dated 31st March, published in the *Agra Gazette* of 2nd May last, will apply. Ordinarily, it will be understood of such cases that every thing may be destroyed, except the final decision, and the original documents (or copies thereof filed by the parties) on which the decision was based.

10th. The progress made under these instructions, in the destruction of official papers, will be, from time to time, reported, and will be noticed in the Judge's Annual Reports.

No. 2112.—*To the Civil Authorities in the North Western Provinces.—Agra, the 30th October* 1854.

Agreeably to Section 20, Regulation XXVI. of 1814, and Construction No. 249, Petitions for the filing of Exhibits, and for the summoning of witnesses in Summary appeals and Miscellaneous cases, do not require to be written on stamp paper, a stamp being required for the above purposes in regular suits only, under Articles 5 and 11, Schedule B., Regulation X. of 1829. Should the practice be contrary to the above expositions of the Law in any District in the North Western Provinces, the Court request that the several Local Courts will correct it according thereto.

No. 2126.—*To the Civil Judges in the North Western Provinces.—Agra, the 30th October* 1854.

In reference to the first extract contained in the Appendix to the printed report of the Sudder Dewanny Adawlut, on the Civil Administration for 1849, being paragraph 21 of a letter from the Judge of Dehlie, the Court communicate, for the information of the Civil Judges, an Extract, paragraph 18, of a further Report of the same officer (for the year 1850,) conveying his impression of the practical success of the experiment introduced by him for the purpose of checking the prevalent abuse of decisions obtained by fraudulent devices *ex parte*. The good effect stated to have been experienced in the Dehlie district, may suggest an extension of the plan to other districts; but before issuing any general direction, the Court beg to be furnished with the sentiments of the Zillah Officers on the subject, upon which they have also addresesd the Sudder Board of Revenue.

Extract, paragraph 18, *of a letter from the Judge of Dehlie, No.* 28, *dated the* 22*nd March* 1851, *to the address of the Register to the Court of Sudder Dewanny Adawlut.*

18*th*.—With reference to paragraph 9 of the Court's observations on my Civil Report for 1849, printed along with their own annual Report to Government, I beg to state, for the Court's information, that I neither do, nor ever did pretend to be able to give even an approximate idea of the number of fraudulent *ex parte* decisions annually passed; but having myself met with several cases of that description on my first arrival, and having moreover received such numerous complaints of similar proceedings elsewhere as to leave no doubt on my mind of the existence of the practice, I, in concert with the Revenue Authorities, adopted this plan for putting a stop to the same; and while I believe that theoretically it is the best that could be devised for the purpose, an experience of several years now leads me to suppose that it has practically answered every expectation,—a conclusion in which the Revenue Authorities generally, who have far better opportunities of ascertaining the sentiments of the people than I, will I think be found to agree.

No. 2113.—*To the Civil and Criminal Authorities in the North Western Provinces.—Agra, the 27th October* 1854.

In pursuance of the Notification issued by the Government, under date 11th, and published in the *Agra Government Gazette* of the 24th instant, the Court publish, for the general information of those who may not have ready access to the "Directions to Settlement Officers," the "Alphabet for conversion of names from the languages of the country into English," of which the use is now enjoined in all departments.

2. It is particularly desired that the principle of writing native names, laid down in that record, may be attended to, and adopted in the several Criminal Reports and Civil Decisions written by public Officers, the varieties of spelling and writing words which at present exist being very inconvenient and anomalous.

3. The Court take the opportunity of requesting the greater attention of the Civil Judges, generally, to the study of a perspicuous and careful style of writing in their decisions, recorded in English according to Act XII. 1843, unmixed, except where it cannot be avoided, with the use of vernacular terms and phrases. There has long been cause for dissatisfaction in this regard in respect to the judgments recorded by several Officers, those of Zillah Goruckpore being especially remarkable for this defect. The Court have no objection to the employment of such words as those indicated in the margin*, and the like, underlined (when used) in the manuscript, in order that they may appear in italics in print. But they object to, and must protest against, the introduction into English judgments of such words as *farkhutee, rihundar, suwal, mooriss, ikbal-dawa, asamee,* &c., which are all fully capable of expression by corresponding terms in English. The Court have only to refer to a Goruckpore decision of 25th August 1853, page 131, to shew how common the irregular practice is, which they would wish discontinued.

*Bywustah, Jummabundee, Khusreh, Wajib-ool-urz, Putteedar and Theekadar.

4. Ordinary care, and the simple obligations of duty, should likewise suggest such a revision of the judgments sent to Press as may secure their general accuracy, and the avoidance of the discreditable necessity of a Printer's foot-note to an unintelligible sentence.

APPENDIX No. I., OF THE DIRECTIONS TO SETTLEMENT OFFICERS.

Alphabet proposed to be used in the conversion of names from the languages of the country into English.

1. *A.*	*a.*	Atmanugur,	आ	آ ما
		» Alumpoor,		
2. *AI.*	*ai.*	Ailwul,	ऐ	اِی مي
		» Aishnugur,		
3. *B.*	*b.*	Bureepoor,	ब	ب
4. *B,h.*	*b,h.*	Bhuwanepoor,	भ	بهه
5. *Ch. Ch,h.*	*ch. ch,h.*	Chichura,	च छ	چ چهه
		Ch,hipagurh,		
6. *D.*	*d.*	Datanugur,	ड द	د
7. *D,h.*	*d,h.*	D,hurmpoor,	ढ ध	دهه
8. *E.*	*e.*	Ekeesgurh,	ए	اى
9. *Ee.*	*ee.*	Eeswurnugur,	ई	اى مي
		» Eedgurh,		
10. *F.*	*f.*	Furcedpoor,		ف
11. *G.*	*g.*	Gunga Saugor,	ग	گ
12. *Gh. G,h.*	*gh, g,h.*	Ghazeepoor,	घ	غ گهه
		G,hainjor,		
13. *H.*	*h.*	Huveleeshuhur,	ह	ح هه
		Hurjinspoor,		
14. *I.*	*i.*	Indurgurh,	इ	اِ
		» Ilumbazar,		

15. *J.*	*j.*	Jahilgurh,	ज	ج
16. *J,h.*	*j,h.*	J,harundeh,	झ	جھ
17. *K.*	*k.*	Kunkurpoor,	क	ک
		Kakdeh,		
18. *K,h. Kh.*	*k,h. kh.*	K,hurukpoor,	ख	کھ خ
		Khalisnugur,		
19. *L.*	*l.*	Lalgurh,	ल	ل
20. *M.*	*m.*	Mihnutabad,	म	م
21. *N.*	*n.*	Nurayunpoor,	न	ن
22. *O.*	*o.*	Olanugur,	ओ	او
23. *Oo.*	*oo.*	Oondes,	उ ऊ	اُ اُا
		Oostadpoor,		
24. *Ou.*	*ou.*	Oushandeh,	औ	او
25. *P.*	*p.*	Peepulgaon,	प	پ
26. *P,h.*	*p,h.*	P,hoolnugur,	फ	پھ
27. *Q.*	*q.*	Qasimgunj,		ق
28. *R. R,h.*	*r. r,h.*	Rungpoor,	र ड ड़	ر ڑ
		R,hotas,		
29. *S.*	*s.*	Sasuram,	स	س
		Sa-dutgunj,		
30. *Sh.*	*sh.*	Sholapoor,	ष श	ش
		Shureefbazar,		
31. *T.*	*t.*	Tunkhadeh,	त	ت ٹ ط
32. *T,h.*	*t,h.*	T,hanagurh,	थ	تھ
33. *U.*	*u.*	Umritpoor,	अ	اُ
		ع Uleepoor,		
34. *V. W.*	*v. w.*	Wustabad,	व	و
		Vuzeerpoor,		
35. *Y.*	*y.*	Yarpoor,	य	ی
36. *Z.*	*z.*	Zeeafutabad,		ز ذ ض ظ ژ
		Zalimpoor, &c.		

N. B.—The English alphabet having no letter capable of representing the ع *ain* of the Persian, the use of this, as contra-distinguished from A, E, I, or U, may be indicated by a mark thus ع, before or over the letter.

No. 2176.—*To the Civil and Criminal Authorities in the North Western Provinces.—Agra, the 2nd November* 1854.

The Government having, in a Resolution dated 30th September 1854, determined, that in sanctioning Superannuation Pensions, no fractions under a quarter, that is, other than even quarters of a rupee, shall be allowed, according to which principle annas and pie above 12, 8, and 4 annas respectively will be struck out, the Court hereby desire that all Registers of Pensions, submitted for the sanction of Government through this office, may be prepared in accordance with the above rule in future.

No. 2192.—*To the Civil Authorities in the North Western Provinces.—Agra, the 6th November* 1854.

The Court have been in communication with the Sudder Board of Revenue on the subject of the retention of putwarees' papers and other Revenue records by the

Civil Courts in which they may be filed, and the practice has been asserted to exist of keeping putwarees' papers filed in the Civil Courts, in the same way as other original documents, for the period allowed by Law for an appeal, after which the party filing them may recover such papers by substituting copies on stamp paper; putwarees' accounts being regarded as original papers and documents in the case required to be kept with the record under Clause 1, Section 43, Regulation XXIII. 1814.

2nd. A question has likewise been asked whether Mahajun's books filed in the Civil Courts in connection with a suit are restorable to their owners, prior to expiry of the term of appeal, or whether they belong to "original papers and documents" required to be deposited among the records of the Court, as above noticed.

3rd. For the future correct and uniform Regulation of the practice in this matter, the Court are pleased to promulgate the following observations and orders.

4th. The Sudder Board of Revenue have with justice referred to the facilities afforded in the Revenue Department for the acquisition, by parties needing them, of copies of official documents for exhibition in Civil Suits, and for inspection by the public of records in Revenue Offices*, and it is, therefore, both necessary and reasonable that the Civil Courts should show a corresponding inclination to promote public convenience in respect to such *original* papers appertaining to the Revenue Department, as may from necessity be filed before them, in so far as legal restrictions permit. It appears to the Court most objectionable that papers of value and importance, appertaining to another department of the public service, should, for long and indefinite periods, be detained from their proper custody to lie among the forgotten records of bygone years, as has been found to be the case in one district.

5th. The broad principle to be kept in view, the Court remark, in the case of revenue papers or records, and in the analogous instance of merchants' account books, which may be needed for inspection, in illustration of any suit, is, doubtless, that which guides the procedure of the Civil Courts in their dealing with *oral* evidence, viz. to discharge witnesses when their examination is over. The application of such a reasonable principle to the subject of *documentary* evidence, of which the production may be required by the Courts, appears easy without any infringement of the law.

6th. Ordinarily the party for whose benefit, or at whose instance, any particular revenue document or paper is wanted, should be told to obtain a copy for the purpose of filing in the Court himself by means of the full facilities afforded for his doing so, by the rules in force in the Revenue Department.

7th. In respect to Revenue records, Settlement papers, &c., the inspection of which may unavoidably be called for in the progress of a Civil Suit, there can be no objection to the practice understood to exist in various districts (as allowed by the Sudder Board's Circular cited in paragraph 4) of the Court making application to the Collector, or other Revenue Authority, to be furnished with such papers, for inspection, and at once returning them, after inspection, without retention, pending the period of appeal; since a similar application would secure their re-transmission, in the event of their being again needed, to the Appellate Court. If any particular paper, or document, forming part of such record, were required for retention in the Civil suit, a copy for record in lieu of the original should at once be made, either on stamped, or upon plain paper, according as either might be required, agreeably to Circular Order Sudder Dewanny Adawlut, dated 2nd January 1835.

8th. Similarly, if Putwarees are summoned, with their accounts and papers, to give evidence in a Civil Court, or if mahajuns are, in like manner, called on as

* Circular Order Sudder Dewanny Adawlut, dated the 9th September 1842.
Circular Order Sudder Board of Revenue, dated 25th February 1848.

witnesses, with their account books, such original accounts and papers ought never to be retained by the Courts beyond the immediate and actual exigency rendering their inspection necessary. The law never contemplated the deposit of records and writings belonging to another, and, independent department of the public service, or appertaining to the daily business transactions, and trade of private individuals, among "original papers and documents, to be kept with the misl of a decided suit." If such accounts, whether putwarees', or mahajuns', are pertinent to the issue, and require to be filed as part of a suit, then copies or extracts must be made, to be kept with the record in the mode prescribed by Construction 1372. But, under no circumstances, should the *original* revenue or mercantile accounts be detained from possession of the owners, or parties filing them, beyond the period which is indispensible for carrying out the above legal requirement. Any retention of such papers or books for a longer time, becomes, in the one case, an unjustifiable interference with public convenience and business, and, in the other, a serious private oppression and wrong.

9th. The Court desire that Judges will lose no time in directing the restoration by the native Courts subordinate to them, of such revenue papers, in original, as may be at present liable to return under the rule now promulgated, and that they will adopt early measures for returning to the proper quarter all revenue misls or papers of past years which may be still detained from their appropriate keeping and custody among the deposited records of the Civil Court.

No. 2335.—*To the Civil Authorities in the North Western Provinces.—Agra, the 25th November* 1854.

THE Court of Sudder Dewanny Adawlut publish, for the information and guidance of the Civil Authorities, Extracts, as detailed in the margin*, on the subject of an irregular registration of bonds and documents by Canoongoes, and desire that if such a practice be found to prevail in other Districts, besides that to which the correspondence relates, the Judges will intimate the prohibition of the Sudder Board of Revenue to the Collector.

* Para. 2, letter to Secretary to Sudder Board of Revenue, No. 2060, dated 24th October 1854.

Letter of Secretary to Sudder Board of Revenue, to the Commissioner of Allahabad Division, No. 625, dated 14th Nov. 1854.

Extract paragraph 2 of Court's letter No. 2060, dated 24th October 1854, *addressed to Secretary of Sudder Board of Revenue, North Western Provinces.*

Paragraph 2.—Should it appear to the Board that the Canoongoes attached to the Tehseel Establishments of the Humeerpoor or any other District under their jurisdiction, exceed the power vested in them by law (Regulation IV. 1808, Section 7, heading 4,) in pursuing the course alluded to by the Judge, of registering bonds and other deeds, *not* concerning the transfer of estates, to which that enactment confines their action, the Board may perhaps see fit to interdict such irregular practice, wherever it may be found to prevail.

(COPY.)—No 625.—*From* G. J. CHRISTIAN, ESQ., *Secretary to the Sudder Board of Revenue, N. W. P., Agra,* to R. LOWTHER, ESQ., *Commissioner of the 4th or Allahabad Division, dated Agra, the 14th of November* 1854.

THE Sudder Board of Revenue direct me to forward herewith copy of a letter No. 2060, dated 24th October, (with annexure,) from the Officiating Register of the Sudder Dewanny Adawlut, regarding a practice alleged to have been adopted by

Canoongoes attached to Tehseeldarees in Zillah Humeerpoor, of registering bonds and documents, other than they are warranted to register by the provisions of Section 7, Regulation IV. 1808, heading 4.

2nd The Board request that you will interdict this irregular practice in all the districts of your Division. It is not only contrary to law, but is productive of much inconvenience, in consequence of the Canoongoes, as attesting witnesses to transactions with which they have no concern, being constantly summoned away from the Tehseeldarees.

No. 2275.—*To the Civil and Criminal Authorities in the North Western Provinces.—Agra, the 22nd November* 1854.

THE Court publish for information, the accompanying copy of an Extract, paragraph 9, from a Despatch of the Honorable the Court of Directors to the Government of India, in the Financial Department, relative to Pensions to be granted to Uncovenanted Servants, after a period of thirty-five years of good service.

Extract from a Despatch from the Honorable the Court of Directors to the Government of India, in the Financial Department, (No. 18 *of* 1854,*) dated the 5th May.*

Paragraph 9.—We have adverted to the remark contained in paragraph 15 of your letter under reply, in which you observe that many reasons might be given for recommending to us the grant of the boon of Pensions to Uncovenanted Servants, after a certain period of approved service. We have already expressed our disposition to extend to that class all the indulgence that can be consistently granted to them, and upon a full consideration of the subject, we are prepared so far to concur in the suggestion made, as to authorize you to grant to any Uncovenanted Servant belonging to a class recognized by the present rules, who, though not possessed of a Medical Certificate of incapacity, may be permitted to retire from the service, and who can produce unquestionable testimonials of a faithful and efficient discharge of his duties during a period of thirty-five years, a pension equal to half the average salary which he may have received during the last five years of his service. These pensions are to be regarded as the rewards of good service; they will not, in any case, be claimable as of right, and every pension which you may see sufficient reason to grant, must be reported to us, with a statement of the grounds of your proceeding.

No. 2474.—*To the Civil Authorities in the North Western Provinces.—Agra, the 15th December* 1854.

A PRACTICE was lately brought to the notice of the Court, by the Judge of a District under their jurisdiction, which he held to be irregular, and unwarranted by any law, on the part of the Collector, in issuing a fifteen days' notice for the appearance of objectors, upon the receipt of copies of decrees of the Civil Courts, sent to him for the purpose of effecting the necessary mutations in the Revenue registers. The Collector vindicated his so proceeding on the several grounds of certain Financial difficulties in the district, of the practice being interdicted by no Law, and of its involving no delay or impediment in respect to the complete satisfaction of the decrees of the Civil Courts.

2nd. The origin of the present difference between the Judicial and Revenue authority of the District in question, is traceable, it appears to the Court, to a practice, believed to be of universal, or, at least, extensive prevalence, but for which the

Court can find no authority or warrant in law, of the Civil Court's decreeing, what is technically called, "*dakhil kharij;*" that is, directing that the names of the defendants cast in suits, shall be *expunged* from the registers kept in the Collector's office, and those of the decree-holders *substituted*.

3rd. The Court consider that the Civil Courts possess no legal authority to decree "*dakhil kharij,*" or mutation of names, as thus explained. The procedure of the Civil Courts, in passing decrees concerning land, is distinctly laid down in Section 11, Regulation III. 1803*, viz., "in order that the periodical register of landed property, paying revenue to Government, may be kept complete, the Zillah Courts are strictly enjoined to transmit to the Collector of the district, and to the Board of Revenue, a copy of every decree which they may pass, or which may be sent to them, to be enforced, by the Provincial Court of appeal, or the Sudder Dewanny Adawlut, regarding any zumeendaree, or independent talook, or other land paying revenue immediately to Government, or, in anywise concerning the possession of such land. The Judge shall transmit the copy of the decree within ten days after he may pass, or receive, it." The law confers no authority on the Courts to *order* the Collector to make any alteration in his malgoozaree register; although it is evidently contemplated by the enactment that the *necessary* mutations *shall* be made by the Collector upon receipt of the Court's decree. Section 6, Regulation VII. 1825, re-asserts the requirement of the law mentioned above, in regard to the obligation of the Judges, while it further empowers them to obtain the aid of the Collector in the enforcement of decrees of the nature referred to, whenever it may appear conducive to their speedy and complete execution, whether by giving possession to the parties entitled thereto, or by the adjustment of a *wasilât* account, or otherwise.

* Section 9, Regulation IV. 1793, (for Bengal.)

4th. The rules for the guidance of the Collector are to be found in Regulation XLII. 1803*, Section 24 of which provides that "the Collectors will be furnished through the following Channels" (of which the course prescribed by Section 11, Regulation III. 1803, is subsequently indicated as one) "with the *necessary* information regarding mutations in landed property, and the annexations to, or separations from, their respective zillah, *for making the requisite entries in the register of intermediate mutations.*" The action, therefore, of the Civil Courts in such cases, appears to the Court from these provisions to be limited to a strict conformity to the injunction of the law, by forwarding copies of all decrees concerning the possession of malgoozaree land, to the Collector, in the prescribed form, leaving it to that officer to effect the necessary mutations in such manner as may be practicable, under the control of his superiors, and to make his register, whether of malgoozars or putteedars, correspond with the possession awarded.

* Section 24, Regulation XLVIII. 1793, (for Bengal.)

5th. Under the prevalent existing system, of decreeing *mutation* of *names*, it not unfrequently happens that the execution of this part of the decree remains a dead-letter, owing to the circumstance of the name or names ordered to be *expunged* not being *recorded* in the Collector's registers. Even, however, to the extent of decreeing *insertion* of names in the Collector's books, the Court are of opinion that it is equally beyond the province of the Civil Courts, which the law restricts to the award of *possession* in the declaration of proprietary right, without the power of dictating to the Collector the mode of keeping, or amending, his registers of malgoozaree land; nor does it appear expedient that such power should be exercised by the Courts in a matter subject to the control, and governed by the rules, of the Revenue Department.

6th. The general prevalence of the practice cannot, the Court remark, warrant it, if unsustained by law. The usual form of action for obtaining or maintaining possession and entry of name, demonstrates the custom, the object of such a suit being to procure an authoritative declaration of the fact of possession or title, which may be presumed is, in such case, disputed.

7th. It is also common for the Courts to issue, on the application of parties having suits pending before them, an injunction prohibiting the mutation of names,—an order unwarranted by law, since it does not amount to a legal attachment; it will not prevent a transfer, and if the transfer be actually made, the Collector is bound by law to record it. Such a course is, moreover, calculated to mislead the applicant, by inducing his belief that the prohibition of "*dakhil kharij*" is tantamount to legal attachment.

8th. The subject of "*dakhil kharij*" cases (changes of proprietors) is discussed in paragraph 185 and following, and the registration of transfers of landed property, is treated of in paragraphs 302 to 307 of the "Directions for Revenue Officers in the North Western Provinces," which describes the practice as now current.

9th. As the introduction into practice, of the views adopted by this Court, would involve a material alteration of the existing and general custom in the matter of bringing and decreeing claims connected with land in the Civil Courts, it was deemed advisable to consult on the subject the Judges of the Presidency Court, who, though not unanimous, have, by a majority, concurred in the opinion expressed by this Court in the foregoing paragraphs of this letter.

10th. It has been stated by the Hon'ble the Lieutenant-Governor, in commenting on the question referred to, that the Collector's register is a record of those parties who are actually in possession of estates as malgoozars under direct engagement with the Government, either solely in their own right, or as the representatives of a proprietary body; where the party decreed against is representative of others who possess the right of electing their malgoozar, the transfer of his personal interest to another, by no means necessarily implies the transfer likewise of the office of malgoozar. As remarked in paragraph 301 of "Directions to Collectors," the Court can only transfer a personal right, not one of representation depending upon preference and choice. Hence an absolute order by the Courts in *all* cases directing, together with the transfer of the proprietary, the transfer also of names in the malgoozaree register, would, in His Honor's judgment, clearly not be proper.

11th. But further, even in cases where the transfer of names depends purely on the personal right, the Lieutenant-Governor was of opinion that the proper course for the Courts to pursue, is to decree only possession; and the Collector, in carrying out such order, would, as a matter of course, adjust his register, which follows possession, accordingly. Any other course might, in His Honor's judgment, be productive of injustice in such an instance as where, in a suit between parties, a third party, not brought before the Court, may yet have really been in possession, wholly or in part, of the thing sued for. The Court decreeing possession and mutation of names in favor of the plaintiff, might not have cognizance of this fact. It is not a part of the Collector's duty to dispossess such third party, and erase his name from the register. He would represent to the Court that he finds him in possession, and the Court's acceptance of that fact, would thus involve the dilemma of its having issued an order unsusceptible of execution. But if the Court, on enquiry made, should see cause to differ as to the fact, and treating the third party as not in possession, should direct possession to be given to the plaintiff, then the *fact of the transfer made* would be consequently registered by the Collector, who would be liable to a suit for refusal or omission to perform that duty, and might be fined for contempt also, under Section 39, Regulation XXVII. of 1803.

12th. The Court, with reference to the foregoing remarks, are pleased, in amendment of the existing practice of bringing and decreeing claims for mutation of names, and correction of the register kept by the Collector, in suits relating to a right or title in landed property, to direct that, from the 1st February next, such claims shall be brought and decreed for possession only. In regard to suits which may be now pending in the several Courts, should the claim be expressed for recovery of possession

and mutation of names, a decree should be passed for *possession* alone, with all the particulars required by Clause 1, Section 11, Regulation III. 1803. Should the suit have been brought for mutation of names *(dakhil kharij) only*, the plaintiff should be nonsuited, on the ground that the Courts are not competent to entertain such a claim. As required by the provisions of the law above quoted, copies of all decrees regarding every description of land *paying revenue immediately to Government or in anywise concerning the possession of such land*, should be transmitted to the Collector and Sudder Board of Revenue, within ten days after the Judge may pass or receive such decree: the Courts will at the same time bear in mind the Circular Order Sudder Dewanny Adawlut, dated 5th October 1838; viz., that copies of those decrees only are to be sent to the Revenue Authorities, which *are final, and of which execution shall have been taken out.*

13*th.* The Court observe that the 2nd Rule of those attached to Circular Order of the Sudder Dewanny Adawlut, Western Provinces, dated 24th June 1842, as cited in the margin*, will be affected, and require modification; consequent on this order, the portion in *italics* will, therefore, be replaced by the following sentence:—That plaintiff's title in the property having been judicially declared, intimation of that fact is given to the Collector, with a view to his effecting the requisite alteration in his books.

* Providing that "if the suit be for a specific portion of "an estate held in pure zumeendaree, the plaint shall indi-"cate whether it is made for a *division*, and *separation*, "or merely for the recognition of the share sued "for; in the latter case, the decree, if the claim be "proved, shall direct *that plaintiff's name is to be record-"ed in the Collector's book, with those of other holders, "so as in no way to interfere with the management of the "collections of the estate made through the Sudder Mal-"goozar.*"

No. 2494.—*To the Civil and Criminal Authorities.—Agra, the 23rd December* 1854.

THE Court publish, for general information, the annexed copy of a letter from the Officiating Secretary to the Government of India, Financial Department, to the Civil Auditor, No. 3411, dated the 20th of September last, on the subject of leave of absence granted to Uncovenanted Officers.

(COPY.)—No. 3411.—*To W. P. Palmer, Esq., Civil Auditor.—Fort William,—Financial Department,—Council Chamber, the 20th September* 1854.

I AM directed to acknowledge the receipt of your letter No. 1518, dated the 31st ultimo, suggesting for adoption two modes which appear to you to meet the difficulties which exist in obtaining information, regarding the absences of Uncovenanted Servants, and in reply to state, that His Lordship in Council considers that, pending the receipt of the Hon'ble Court's order on a New Code for granting leave of absence to Uncovenanted Officers, which it is proposed to submit to them, and which will prescribe a limit to the period of absence to be counted as service, the best course will be for the heads of offices to report to you each case in which a *substitute may be appointed* to act for an officer on leave. You will by this means be apprized of all cases in which absence for more than a very few days is taken, and you will give a full statement of such absences, when reporting on a claim to pension, in order to enable Government to determine how much of such absences should be allowed to count as service.

2nd. In regard to *past* leave, His Lordship in Council requests that you will, in each case, in which you are called upon to report to Government regarding the period of service of a person applying for pension, require, before sending in your report, a statement from the Head of the office in which the applicant is employed, of the periods of absence, during which a *substitute has been appointed* in his room, which will, in like manner, be submitted for the consideration of Government.

3rd. In cases of Uncovenanted Officers appointed by Government, direct intimation of absence is given in the *Gazette*, by which you will be guided in all such cases.

No. 75.—*To the Civil Judges in the North Western Provinces, and Commissioner of Kumaon.—Agra, the* 14*th January* 1854.

THE attention of the Court having been drawn to the want of care not unfrequently shown in the compilation of the important Annual Statement No. 4 of your Civil Returns, and the errors which consequently occur in the classification of suits, and more specially in the entries under heading No. 22, and its explanatory Schedule D., the Court request that before submitting your report on the past year, you will personally scrutinize, and satisfy yourself of the correctness of these Returns, for the accuracy of which you are responsible, and which are of too important a nature to be compiled at the discretion of your establishment, without efficient supervision on your own part. The instructions at the foot of the statement will be found sufficient to secure, with the aid of ordinary care, a correct classification of the several descriptions of suits instituted in the several Courts under your charge during the period.

No. 273.—*To the Civil Judges in the North Western Provinces, and Commissioner of Kumaon.—Agra, the* 15*th February* 1854.

IN continuation of the recent Circular of the Sudder Dewanny Adawlut, No. 75, dated 14th ultimo, I am directed by the Court to transmit, for future adoption, the accompanying amended translation in the vernacular of the headings of the Annual Civil Statement No. 4.

نقشه نمبر ۳

نقشه نمبر ۳

نقشه مفصل اُن اقسام متفرق مقدمات ابتداء کا جوسنه ۱۸۵۳ع میں محکمه‌جات صاحب جج اور صدرالصدور اور صدرامین اور منصفان واقع ممالک مغربي میں دائرکیئے گئے

نام محکمه	۱ مقدمات متعلق زر لگان اراضي(۱)	۲ مقدمات متعلق جائداد غیر منقوله بر بناء انتقال بذریعه بیع	۳ مقدمات متعلق جائداد غیر منقوله بر بناء انتقال بذریعه هبه	۴ مقدمات متعلق جائداد غیر منقوله بر بناء انتقال بذریعه رهن	۵ مقدمات متعلق جائداد غیر منقوله بر بناء انتقال بذریعه وصیت	۶ مقدمات متعلق جائداد غیر منقوله بر بناء انتقال بذریعه مهر	۷ مقدمات متعلق جائداد غیر منقوله بر بناء حق شفع	۸ مقدمات وراثت بر بناء شرع اسلام	۹ مقدمات وراثت بر بناء آئین هنود	۱۰ مقدمات بر بناء حق تبنیت	۱۱ مقدمات لاخراجي بموجب مقدمه ۳۰ قانون ۲ سنه ۱۸۱۹ع	۱۲ مقدمات متعلق حقیت پٹي داري	۱۳ مقدمات متضمن دعاوي استرداد زمین جو ملت بقایا مالگذاري سرکار کلکٹر کي معرفت عمل میں آئے هیں	۱۴ مقدمات اراضي جسکي تشریح مدات گذشته میں نهیں هوئي (ب)	۱۵ مقدمات قرضه بر بناء تمسک یا دوسري بناء پر	۱۶ مقدمات مرجوعه ساهوکاران و تاجران	۱۷ مقدمات متعلقه مذهب متضمن ذات اور حق بزرگت وغیره	۱۸ دعوي خساره علت مهدشکني	۱۹ دعوي وصول زر تقاوي	۲۰ دعوي وصول مشاهره	۲۱ مقدمات متعلق نیل اور شکر اور ابریشم (ج)	۲۲ مقدمات متعلق جائداد منقوله جسکي تشریح مدات گذشته (د) میں نهیں هوئي
محکمه ججي ..																					
محکمه صدرالصدروي																					
محکمه صدرامیني																					
محکمه منصفي ..																					
میزان کل ..																					

خانه کیفیت (ه)

ضلع _____

مورخه _____

(۱) اِس مد میں جمله مقدمات متعلق زر بقایه اور پٹه زمین اور داخله اور استقرار شرح اور قرقي مندالبقایه اور دعوي استرداد احکام سرسري مصدوره حکام مال شامل هونا چاهیئے اور تفصیل تعداد مقدمات متعلق داخله اور پٹه اور استقرار شرح کیفیت کے خانه میں هوني چاهیئے *

(ب) تفصیل مراتب بالا کي خانه کیفیت میں مندرج هوني چاهیئے *

(ج) تعداد هر قسم واحد کي خانه کیفیت میں مرقوم هوني چاهیئے *

(د) تفصیل اُن مقدمات کي خانه کیفیت میں مندرج هوني چاهیئے *

(ه) جب جس خانه میں کسي مقدمه کي کیفیت تحریر کرني منظور هو تو اُس تحریر کے اول میں نمبر اُس مد کا لکهنا چاهیئے جسکے مطالب سے کیفیت مذکور علاقه رکهتي هی *

No. 630.—*To the Civil Judges in the North Western Provinces, and Commissioner of Kumaon.—Agra, the 17th March* 1854.

I AM directed by the Court to intimate, that it is unnecessary that you should continue to forward the Quarterly Returns required by the Circular Order No. 147 of the 7th May 1841, if there are no unexecuted decrees of this Court, of a date prior to the passing of Act XXV. of 1852, pending before you.

No. 955.—*To the Civil Judges in the North Western Provinces.—Agra, the 12th May* 1854.

To facilitate the correct classification of suits contemplated by the Annual Civil Statement No. 4, to which object the attention of the Judges was called by a recent Circular Order, dated 14th January last, No. 75, the Court are pleased to publish, for the information and guidance of the Zillah and Subordinate Courts, an appended extract, paragraphs 9 and 11, from a communication of the Judge of Bareilly, dated 26th ultimo, No. 45, and desire that the system of preparing materials for the accurate filling up of the statement in question, which is proposed in the extract, may at once be adopted by the several Courts, to which the statement is applicable, the Judicial Officer deciding the suit making a note, at the time of decision, of the appropriate heading of the statement under which it falls, and causing a corresponding entry to be made in the classified register recommended in paragraph 9, which will then constitute the basis of the Annual Statement No. 4.

2nd. The Court direct that measures be taken for organizing this system, so as to comprehend the portion of the current year, which has already elapsed in order that complete materials may be forthcoming for the preparation of the Annual Statement, when needed.

3rd. The Judges will hold the subordinate Courts answerable for classifying their suits with due care and deliberation, so as to secure the correctness of the Register, but they will themselves be, as heretofore, responsible for the Return, as stated in the Circular of 14th January last.

Extract, paragraphs 9 *and* 11, *from a letter of the Judge of Bareilly, dated 26th ultimo, No.* 45.

Paragraph 9.—In order to provide an easy and complete check upon the accuracy of the classification of suits, it would be necessary, it appears to me, that besides the register of cases decided in order of date of decision, there should be a classified register kept in each Court, of whatever grade. This register should, of course, be divided into 22 separate Sections, corresponding to the headings in Statement No. 4, and each Section should contain a complete list of the cases belonging to that Section, decided in the course of the year. It would then be easy by examining a few misls of each sort, to ascertain, whether the classification had been properly conducted or not.

11.—I would further propose that every Judicial Officer should be instructed to note, at the end of his decision of every suit, the number of the class to which it belongs. After having just attentively considered the case, the Judge could determine at once, and with comparatively little danger of error, the class to which it belonged, and to note the class by number would be the work of but a moment. A Mohurrir must, for several obvious reasons, be more liable to error in the matter; but even supposing him equally competent for the task, he cannot perform it properly without carefully examining a large portion of the decisions passed in the year; for though,

in some instances, the abstract given in the register of decisions, indicates with sufficient plainness the class to which the suit belongs, in other instances, it does not. Thus in a register of cases decided by the Principal Sudder Ameen, now lying before me, the abstract of the first case I lit upon for examination runs as follows:—" Claim, possession of 355 beegahs of land; Rs. 733-9-0, *mesne* profits for eleven years, and Rs. 450-13-0, interest." In this abstract, as it is not stated whether the claim is founded on sale, or mortgage, or inheritance, or what, it furnishes no indication of the class it belongs to, and consequently, the compiler of Statement No. 4 could not class the case without consulting the decision, to do which would consume a good deal of time, and in the result he might very probably go wrong; but if the Principal Sudder Ameen had noted that the suit fell under heading Nos. 2 or 4, or 8, as the case might be, and if that number had been copied in the register, all that would have been left for the compiler of the return to do, couldh ave been done easily and quickly.

No. 1391.—*To the Civil Judges in the North Western Provinces.—Agra, the 20th July* 1854.

It has been noticed to the Court, that the Circular No. 955, dated 12th May last, issued direct from this office, is defective in the following particular:—

2nd. That order prescribed the preparation, in each Civil Court, of a classified register, intended to constitute the basis of the Annual Civil Statement No. 4, which is a detailed statement of the different descriptions of original suits instituted before the Judge, Principal Sudder Ameen, Sudder Ameen, and Moonsiffs, during the year. The register, however, designed to furnish materials for the correct and complete preparation of this statement, was, by an oversight, made to apply to suits *decided*, and not *instituted* in the course of the year, thus causing a non-correspondence between the two records.

3rd. The Court therefore beg that you will consider the Circular of the 12th May modified in the particular referred to, and that you will understand the classified register required thereby, to be one of all cases instituted within any year. Under this modified rule, each suit, as soon as it is instituted, will be assigned its proper class, and entered under the appropriate column of the register, which must contain 22 separate Sections, corresponding with the headings of Statement 4; the Serishtadar, or other Officer of the Court, charged with the preparation of the register, noting in the record of the suit the number of the column under which it has been classed. The presiding Officer of the Court will, upon taking up the case to determine the issues for trial under Section 10, Regulation XXVI. of 1814, satisfy himself as to its having been properly and accurately classed, and correct any erroneous entry which he may detect within the year comprehended in the statement.

CIRCULAR ORDERS

OF THE

NIZAMUT ADAWLUT,

NORTH WESTERN PROVINCES.

For 1854.

No. 128.—*To the Sessions Judges in the North Western Provinces.—Agra, the 7th February* 1854.

Under instructions from the Government, the Court of Nizamut Adawlut are pleased to direct that whenever applications are submitted by the Sessions Judges to Government for the disposal of persons proved to have committed penal acts while insane, a copy and translation of the evidence, which has been held to prove their insanity, shall accompany the application.

No. 601.—*To the Criminal Authorities in the North Western Provinces.—Agra, the* 18*th May* 1854.

The Court of Nizamut Adawlut having reason to doubt whether the form of endorsement made by Magistrates on Capital Warrants, certifying execution of the sentence, preserves an uniform wording comprehending the various Circular Orders and rules bearing on the subject, are pleased to publish, for general information and adoption, the terms of certificate given below, and they desire that Sessions Judges will satisfy themselves that the certificate has been properly recorded, before returning the executed warrant to the Court; bringing to notice any irregularities which they may, at any time, discover.

"I hereby certify that the sentence of death passed on son of by the Nizamut Adawlut has been duly executed, and that the said son of was accordingly hanged by the neck till he was dead at on the 185 .

I further certify that the body of the said remained hanging one hour, and the Medical Officer in attendance certified complete extinction of life prior to its removal; and that it was afterwards burned* not having been claimed by his relations, and that no accident, error, or other misadventure occurred during his execution.

* Note.—Or buried, or delivered to relatives, [as the case may be.]

Given under my hand and the official seal of this Court this day of 185

No. 644.—*To the Criminal Authorities, North Western Provinces.—Agra, the 27th May* 1854.

THE Court of Nizamut Adawlut, North Western Provinces, direct attention to a defective rendering in the Persian translation of a portion of Clause 2nd, Section 3, Regulation XII. 1818, in respect to the words of the following sentence, which are printed in *italics*, and which have no corresponding terms assigned them in the Persian translation: "or with wounding, burning, *severe* corporal injury, or other aggravating act *of personal violence*.

2nd. The amended version to be adopted in lieu is as below.

یا تجریح یا احراق یا ضرر جسماني شدید یا فعل دیگر از قسم صدمهٔ بدني که موجب مزید جرم باشد *

No. 874.—*To the Criminal Authorities, North Western Provinces.—Agra, the 15th July* 1854.

WITH reference to a Circular issued by the Presidency Court of Nizamut Adawlut, rescinding Construction 941, dated 3rd April 1835, in connexion with a recent Judicial decision of that Court, the Nizamut Adawlut, North Western Provinces, concurring in the principle declared in that decision,* are pleased to notify that the above Construction is also to be considered as superseded, and no longer in force in the Districts under their jurisdiction.

* Case of Ukhaee Biswas, *versus* Ramasur Mullick and others. Page 433 of Nizamut Adawlut Reports, Lower Provinces, for March 1854.

No. 957.—*To the Criminal Authorities, North Western Provinces.—Agra, the 2nd August* 1854.

THE Court having observed that the practice enjoined in Clause 3, Section 3, Regulation X. of 1824, is not invariably followed, direct me to call the attention of the Magisterial Authorities to the provisions of that Law, and to require that whenever a Magistrate may have occasion to tender a conditional pardon under the law in question, he will, if it be accepted, immediately record a roobakaree, stating the fact of his having offered the pardon and the reasons which induced him to make the offer.

If the case be committed to the Sessions, the Sessions Judge will be careful to annex this roobakaree to the deposition taken by him from the party who has become a witness through the offer of pardon.

No. 1047.—*To the Criminal Authorities in the North Western Provinces, including Saugor Territories and Kumaon.—Agra, the 10th August* 1854.

THE Court having been in recent communication with the Government of the North Western Provinces, on matters affecting the system of Police and Criminal Administration, as now in force, request the careful attention of all the District Officers, charged with Criminal duties, to the following observations and orders:—

2nd. The scope and tendency of the rules laid down in the Regulations for the conduct of Criminal investigations in the preliminary stage, contemplate only a brief

and summary enquiry on the spot by the Police, and a prompt despatch of the accused and the witnesses for the prosecution to the Court of the Magistrate. It is superfluous to say that this intention had been long departed from in practice; and that custom had sanctioned the conduct of a protracted enquiry, and the record of voluminous proceedings, in the Police stage, which it was the especial object of the Circular, dated 2nd July 1849, to curtail and correct, and to convert what had assumed the shape of a thannah *case* into a thannah *inquest*.

3rd. The change of system aimed at by those Orders did not deny the necessity, or ignore the utility, of an early inquisition, on the first occurrence, or report, of a crime, by the Police. It has been truly remarked by the Government that, practically, all the first burden and charge of enquiry into the circumstances connected with the occurrence of crimes, and the first traces to be discovered of their perpetrators, must unavoidably continue to fall, ordinarily, on the Mofussil Police.

4th. This being the fact, the Government have further observed that the requirement in paragraph 1 of the Circular of 2nd July 1849, (above cited) for the immediate taking down by the Police of the deposition in full of the informant or complainant, including the several particulars specified in the same paragraph, is one, a close adherence to, and enforcement of, which, ought, in all serious cases, to be demanded from Police Officers, and their Magisterial superiors. It is thought likewise that a valuable means of testing the trustworthiness of the final Police report would be supplied by the Police Officer being required, in all heinous cases, to transmit to the Magistrate a separate statement *on the day* on which he may obtain information as to any new material witnesses, or as to a charge, or suspicion, being made against, or found to attach to, a fresh party accused, showing briefly the nature of such information, with the parties from whom, and the circumstances under which, it was obtained. Separate reports of progress, of this kind, transmitted, from day to day by a Police Officer, cannot afterwards be easily tampered with, (a contingency not infrequently to be apprehended in the instance of the *final* report,) and will always form most useful records for reference in weighing the credibility of direct evidence given at a trial.

5th. The Court, concurring with this view of the Hon'ble the Lieutenant-Governor, accordinlgy desire that the Magisterial authorities will henceforth cause it to be practically enforced. These reports of progress should always be brief, and confined to the express point designed to be made known. They must not be allowed to swell the papers of a police enquiry, or to protract its duration. It is believed that the plan may, indeed, be already followed to a considerable extent, but not systematically, or according to any defined rule. Its effect should be the supply of what may be termed *vouchers* for the accuracy of the final police report, the reduction of the police papers to a progressive history of the case, from its opening, through its successive developments, in the earliest stage, and the correction and check of the method, now generally in use, of recapitulating, and repeating, in each new report, the former steps taken from the beginning, which repetition and recapitulation of matter are equally unnecessary and tedious.

6th. It has been remarked that though the only evidence upon which a conviction can be based is that which is recorded at the Sessions trial, yet every available precaution needs to be taken, in the manner of conducting and arranging the previous proceedings, to enable the Court holding the trial to judge accurately as to the character and value of such evidence. This power of *testing* the worth of the testimony placed on record, becomes a point of especial importance in cases of the nature for the most part referred to the Nizamut Adawlut, whose judgment in matters of life and death must be formed from the written proceedings alone.

7th. The Court proceed to advert to another matter, affecting the regularity of proceedings conducted by the police.

8th. It has lately been brought prominently to their notice in trials sent up from three separate districts, widely apart, that the thannahdar, or other police officer, has accompanied prisoners who have made thannah confessions to the Foujdaree Court, and that a request has been made, and, in two instances, compiled with, for the re-transmission of such prisoners to the thannah, after their foujdaree confessions have been recorded, professedly, and perhaps really, for the purpose of their aiding in the trace of other offenders, or in the indication of stolen property. Their detention at the thannah has thus perhaps extended over a whole month and upwards.

9th. Without disputing the fidelity or voluntary character of foujdaree confessions thus made, the Court observe that the system is most vicious and objectionable, and wherever in force, must at once be abandoned. It is very obvious that the fact of a superior police officer accompanying prisoners who have confessed before him, to the sudder station, and then returning with them to his post, is susceptible of being made the means of the greatest abuse by an unscrupulous police agent; and even assuming the course to be adopted in good faith and with an honest purpose, still, to the revising tribunal at a distance, it would have the natural effect of weakening the credit, and impairing the value, of confessions so made, from the reasonable apprehension that any undue influence under which the original thannah confession might have been made would be likely to be sustained by the presence of the police officer up to the period of examination in the Criminal Court, the statement made in which would be liable to be similarly influenced by the consciousness of the prisoners that they were to be again placed in the power of the same officer. It has been truly remarked that it is not the application of any undue process, by the use of threats or promises, (still less coercive treatment) with a view to induce a disclosure of guilt, *while in the presence of the Magistrate*, which is to be apprehended, but the operation on the mind of an accused party of an inflence *already* exercised, or the renewed exercise of which in prospect the suspected person may have cause to expect.

10th. So much has been said in existing Circular Orders, the most recent of which is that dated 28th December 1850, regarding the precautions which should be adopted to secure regularity, and prevent abuses, in the taking of confessions, that the Court hope the subject need not now be reverted to. Continual vigilance must, however, be indispensible, to guard against the unhappy tendency of many native police officers to prepare, at any cost, such a quantum of proof as their experience shows to be needful for the prosperous issue of a case to conviction, and for the accompanying acquisition of credit to themselves.

11th. The Court would here, also, briefly caution officers exercising Magisterial powers, especially the juniors, against a practice, often adopted with more zeal than discretion or result favorable to the ends of justice, of censuring, suspending, or superseding by fresh agency, police officers who may have been unsuccessful in the early detection and development of a crime with the investigation of which they are charged. It must be obvious that such failure of success by no means *necessarily* implies neglect, or defect of good management, and that urgent authoritative requirements for further enquiry and acquisition of good proof are capable of being misconstrued and abused on the part of the police officer, thus stimulated (even sometimes threatened) into fresh action, in the production and presentation of evidence, which, if not actually false, is found at least open to such doubt as to be inadmissible for the purposes of conviction.

12th. The next point to which the Court find it requisite to allude, is the treatment of a criminal case in its more advanced and important stage of pendency

before the Magisterial Court, and the necessity of systematic care being used, in that stage, regarding the completeness and accuracy of the proceedings and record in all investigations of any importance likely to terminate in commitment to the Sessions Court. A recent Circular Order from the Secretary's office to Commissioners of Divisions, dated 25th May last, No. 745 A., has (paragraphs 7 to 9) defined and fixed the responsibility of the Magistrates in respect to this branch of their duty, and the Court have been requested by Government to watch the operation of that Circular, and to report for their orders, any instance in which its principle and requirements may be found to have been seriously disregarded in practice.

13*th*. The Circular Order, dated 16th July 1830, and other more recent instructions, have indicated the obligations of the Magisterial authorities in this responsible branch of their duty, the importance of which is enhanced by the large discretionary power and latitude of action left in their hands by Regulation VIII. of 1830, and Act No. XXXI. of 1841.

14*th*. The Court have noticed a general defect in regard to the mode of filling in the information designed to be exhibited under the heading, "Abstract of the examination and grounds and date of commitment for trial," of the English calendar of commitment, in the instance of the few districts from which that record is submitted, to the Nizamut Adawlut, for by the generality it does not appear to be sent up, though included as No. 8, in the registered list of authorized forms supplied on indent by the Press; except in the districts of the Dehlie Territory, (where requisite particulars are fully given in an abstract form,) and the districts of the Saugor Territory, (where the still better plan is followed, of the Committing Officer accompanying the proceedings with an English letter, detailing the grounds of proof,) the English or corresponding Oordoo entry is usually confined to the following:—"Committed on the evidence of witnesses, and the circumstances of the case." The Court append to this letter a specimen of two entries under the column referred to, selected from calendars of districts under the Dehlie Sessions Court, and request that Committing Officers will, henceforward, adopt a similar form of report under the heading stated in the English calendar, which they will, in future, invariably submit together with each criminal case made over by them for trial to the Sessions Judge (by whom it will be included in the papers sent to the Court). They will not assign this duty to the Clerk charged with preparing the calendar by means of a translation of the purport of the Oordoo proceedings of commitment, but will themselves write down a summary of the grounds upon which a case is committed (for exhibition in the calendar), at the same time that they pass the order of commitment to the Sessions Court. The trials brought before the Court on reference from the Zillahs will enable them to observe whether this order is duly carried out in practice.

15*th*. Continued and increased attention is required on the part of Committing Officers to the proper framing of *criminal charges* in accordance with Regulations and Rules of Practice. The printed Decisions will show how often defects and errors occur, and have to be noticed in this regard. It is for the Magistrate acting under paragraph 9 of the Government Circular, dated 25th May last, No. 745 A., and for the Sessions Judge, upon the inspection he is required to make immediately on receipt of a trial committed to his Court, to apply a prompt correction to irregularities, which, though *then* easily remediable, are unsusceptible of amendment in the stage of reference to the Nizamut Adawlut, except by the inconvenient course of annulling the entire proceedings, where the defect may be so vitiatory as to demand its adoption. The Circular Orders, Nizamut Adawlut, dated 22nd February 1832, (No. 135,) and 8th August 1834, No. 148, (supplementary to the Circular dated 16th July 1830,) need to be kept in view, and the name of the Committing Officer (now often omitted) to be always exhibited in the margin of the letter referring a trial to the Court.

16*th*. Regarding the still superior grade of agency in the Criminal Department, viz., the Sessions Court, in which the regular trial of a case is held, no detailed comments should be needed. The principles of our administration should be sufficiently known, and the grave responsibilities of the Judicial Officers presiding in those Courts sufficiently felt and acknowledged, to render any particular indication of the course required by duty, unnecessary. While, however, the Court cheerfully recognize the efficient co-operation and aid derived by them from some of the Sessions Judges, they think it is only requisite to peruse the printed decisions of Nizamut Adawlut trials for several years past, in order to become aware of serious deficiencies and of an extensive failure, on the part of many Officers, rightly to appreciate, and adequately to fulfil, the obligations of their duty in this respect; defects calculated to exercise a prejudicial influence on the ultimate issue of a case, and on the due vindication of justice. A designation of particular instances of such defects would much exceed the limits of an instructional letter; suffice it to say, that where a Sessions Judge does not fairly grapple with a case, where he fails to give out his distinct impression of the value of the evidence, and its bearing on the prisoner's guilt, where he omits to detect difficulties or discrepancies, opposed to the acceptance of evidence, which a thorough examination, and comprehensive view, of the *whole papers* would elicit, or where, though he may observe, he fails to inform the Court by what process he has overcome or reconciled them; in short, where he throws upon the superior tribunal the burden of any duty or function primarily devolving on himself; in all these instances, the Court conceive that a Sessions Judge only very imperfectly discharges the duty required of him by the nature and responsibility of his office, and that the Court of final resort, in whom is vested by law the ultimate determination of cases involving the liberties and lives of accused criminals, upon a perusal of the proceedings and reports alone, have, under such circumstances, just ground of dissatisfaction and complaint.

17*th*. The general principles declared in this Circular will govern the practice of the Extra-Regulation Districts under the Kumaon and Saugor Sessions Courts; particular directions will only be applicable in so far as they consist with the systems there in force.

Extracts from Calendar of Commitment, (Registered Form No. 8,*) Column* 14, *(Abstract of the Examination and grounds and date of Commitment for Trial.)*

A DISPUTE took place between the prisoner Ramsookh on the one part, and Sawunt, deceased, and Heera on the other, in consequence of some cattle belonging to the latter, having trepassed on a field in the occupation of the former. Moolkee, deceased, brother of Ramsookh, and Hursahaie, nephew of Sawunt, who were at work in their fields near at hand, hearing the noise, came to the spot, and an affray ensued, in which Moolkee received a wound on the head, inflicted with a sword by Hursahaie, which caused his immediate death; and Ramsookh wounded Sawunt, with a spear and lattee, inflicting injuries on his head, and other parts of his person, from the effects of which he died about four hours afterwards.

The charge having been established against the prisoner sby their confessions at the thannah and in Court, the evidence of witnesses, and the circumstances of the case, they are committed to take their trial before the Sessions Judge, this 23rd day of November 1853.

Although there is no direct evidence in this case, still the guilt of the prisoner is satisfactorily proved; first, by her own confession, and secondly, by the corroborative evidence of Kohanee and Hurkour. I see no reason to doubt the truth of the confession on all material points; the prisoner may have been assisted by a second

party in burying the child, but then she firmly denies. Mussumat Kohanee and Hurkour declare that having occasion to go to the prisoner's house, they found the door closed, and heard the cries of a new-born child, and the native doctor, although he deposed that he cannot state positively that the child was born alive, still, from appearances, he is of opinion that it was. Some further light might have been thrown on the case, had the son of the prisoner been carefully examined; but this I was unwilling to do, more especially as I considered the evidence as it stands sufficient to lead to conviction.

Committed on the 17th February 1854.

No. 1282.—*To the Criminal Authorities in the North Western Provinces.—Agra, the 10th October* 1854.

A QUESTION having been raised regarding the admissibility, as legal evidence, on a Criminal Trial, of the report (or affidavit) of the Chemical Examiner of Government furnished on references made to him by Local Officers under the Circular Orders cited in the margin,* and whether, if not so admissible, there is any, and what, use in its acquisition, the Court, after communication with the Government and the Nizamut Adawlut at the Presidency, circulate, for general information on the subject, the following instruction.

* Nizamut Adawlut, dated 24th June 1842, (No. 110.) Ditto ditto, 4th April 1843, (No. 129.)

2. The Law as marginally* interpreted and explained, contemplates, as indispensible, the examination of every witness material to the issue against the party accused (whether Surgeon or Chemical Examiner) at least once *before the prisoner*, with a view to opportunity being given to the latter to ask the witness any questions, and therefore the mere proving of a report or an affidavit by the testimony of subscribing witnesses, in the Court holding the trial of an accused party, would not be adequate to constitute it legal evidence on which such party could be condemned.

* Circular Order Nizamut Adawlut, dated 1st May 1840, (No. 42.) Construction 1280.

3. There is, however, no objection to the reception and admission of the Chemical Examiner's Report as a document to be placed on the record of trial without any other proof of attestation than the signature of that officer. Such report, though not legal evidence in itself, may thus supply a very useful means of testing the value of evidence directly given before the Criminal Courts.

4. The Court, further, call attention to the fact that, under the rules laid down, a reference to the Chemical Examiner in Calcutta was not designed to be the regular, but the exceptional, practice. In enjoining (by Circular Order, dated* 30th December 1843,) that future references should be limited to cases of urgent necessity where the Local Medical Officer cannot furnish the required information, and to doubtful cases of poisoning, &c., regarding which particulars may be needed for aiding the researches of the police, the Nizamut Adawlut recognized, and intended to prescribe, the principle of an *ordinary* recourse to the *local* professional agency on occasions needing an analytical detection of poison, in substances, or human subjects, assuming that such Local Medical agency was, or should be, duly supplied with materials for making the test.

* In Book of Acts and Orders for 1844, page 57.

5. Magistrates, and other officers charged with criminal investigations, are requested to take notice of this rule, and if deficiencies have hitherto existed in regard to the imperfect supply, or absence, of proper chemical apparatus and tests in the hands of Medical Officers, the Court trust this want will be speedily supplied, as the

Medical Board have reported that application has been made by the Government of India to the Hon'ble Court of Directors for small analytical chests for the use of the Civil Stations.

No. 1405.—*To the Criminal Authorities in the North Western Provinces.—Agra, the 16th November* 1854.

In the instance of female criminals capitally sentenced, provision is always made in the order of the Nizamut Adawlut, for the possible contingency of their pregnancy, that, in such event, execution is to be stayed until forty days, after delivery, but there is nothing in the warrants returned, after execution, to the Court, to indicate whether the order of the Court to ascertain the fact of pregnancy has been duly acted on and fulfilled. The Court accordingly direct, in continuation of their Circulars No. 305, dated 14th January 1825, and No. 601, dated 18th, and published in the *Agra Government Gazette* of the 30th May last, that the certificate of execution of female criminals shall, in future, be recorded as follows :—

" I hereby certify, &c. &c., ——————————————————and that the said Mussumat————, not having been found pregnant, (or having been found pregnant, and reprieved till forty days after delivery,—as the case may be) was accordingly hanged, &c. &c."

2nd. In the event of pregnancy being declared, that fact, as certified by the Medical Officer, will always be noted on the warrant of the Sessions Court, which will be returned by the Magistrate for the Sessions Judge to endorse thereon the suspension of execution of the sentence for the period indicated.

No. 1433.—*To the Sessions Judges in the North Western Provinces.—Agra, the 20th November* 1854.

The Court of Nizamut Adawlut notify, for the information of Sessions Judges, that it was ruled by a full Court, in August 1850, that, as in Section 22, Regulation XXII. 1816, " abortion," by which is evidently meant the *criminal* procuring of abortion, is distinctly recognized as a crime, and as Circular Order No. 55, dated 24th July 1840, declares that whatever is defined or specified in the Regulations to be a crime, is specifically punishable by the Criminal Courts, therefore the Sessions Courts are competent to punish the offence of causing abortion, and to pass sentence, on conviction, under the provisions of Clause seventh, Section 2, Regulation LIII. 1803, without the necessity of a reference to the Nizamut Adawlut.

2nd. This rule would seem not to have been uniformly acted on since it was communicated, on the occasion above referred to, to an individual Judge, but the Court desire that it may be observed in future.

No. 1518.—*To the Criminal Authorities in the North Western Provinces.—Agra, the 11th December* 1854.

The Court publish, for general information, the following amended translation of Section 2, Act XXXI. of 1841, in respect to the words "Judicial proceedings other than criminal trials," the rendering of which is now in accordance with the

authorized translation of a phrase of similar import, used in Section 3, Regulation IX. 1831; viz. "Cases of a miscellaneous nature other than criminal trials."

ترجمه ایکت نمبر ۳۱ سنه ۱۸۴۱ع دفعه ۲

اِس تحریر کي رو سے حکم هوتا هی که هر حکم سزا یا آؤر حکم سے جو مابین حدود معینه دفعات ۸ و ۹ قانون نهم سنه ۱۷۹۳ع اور دفعه ۴ قانون ۱۶ سنه ۱۷۹۵ع اور دفعه ۸ و ۹ قانون ۶ سنه ۱۸۰۳ع کے مقدمات تجویز جرائم اور بهي کل مقدمات متفرقه میں صاحب اسسٹنٹ مجسٹریت یا صدرامین یا مفتي یا آؤر کسي اهلکار کي تجویز سے جو مجسٹریت کے تابع هو اور اُسکو اِس بات کا اختیار هو که مقدمات فوجداري کي تحقیقات کیا کرے صادر هووے صرف اپیل واحد صاحب مجسٹریت یا جائینٹ مجسٹریت یا کسي آؤر اهلکار کے روبرو جسکو مجسٹریت کا اختیار هو تاریخ حکم سزا یا آؤر طرح کے حکم سے ایک مهینے کي میعاد کے اندر جائز هوگي اور هر حکم سزا یا آؤر حکم سے جو زائد از حدود معینه دفعات ۸ و ۹ قانون ۹ سنه ۱۷۹۳ع اور دفعه ۴ قانون ۱۶ سنه ۱۷۹۵ع اور دفعه ۸ و ۹ قانون ۶ سنه ۱۸۰۳ع کے مقدمات تجویز جرائم اور بهي کل مقدمات متفرقه میں صاحب مجسٹریت اور جائینٹ مجسٹریت اور صاحب اسسٹنٹ مجسٹریت کي تجویز سے جسکو اختیار خاص سپرد هوا هو یا آؤر کسي اهلکار کي تجویز سے جسکو مقدمات فوجداري کي تحقیقات کرنے کا اختیار دیا گیا هو صادر هووے مطابق لکهے هوئے اوپر کے صرف اپیل واحد ایک مهینے کے اندر صاحب سشن جج کے محکمه میں جائز هوگي اور هر حکم سزا یا آؤر حکم سے جو صاحب سشن جج کي تجویز سے مقدمات تجویز جرائم میں صادر هوا کرے تین مهینے کي میعاد کے اندر اپیل واحد نظامت عدالت میں هوني چاهیئے *

No. 1527.—*To the Sessions Judges in the North Western Provinces.—Agra, the 8th December* 1854.

THE attention of the Government has been drawn to the accumulation of records found to exist in the offices of some Sessions Courts, and to the arrangements in force, or which need to be made, for the periodical destruction of such records, both of Sessions trials, and Criminal appeal cases, that have been disposed of by final orders.

2. The Court observe that Circular Order No. 150, dated 19th September 1834, has laid down a general principle applicable to the destruction of old Criminal records, but an adherence thereto, in several particulars, does not appear to be needed. After communication with the Government, the Court resolve that the following general rule on the subject be adopted by the Sessions Judges.

3. Records of Sessions trials, generally, of above twenty years' date, may unobjectionably be destroyed, a discretion being exercised, at the same time, by the Sessions Judges, of preserving individual cases, or papers, on any grounds appearing to them sufficient.

4. The same rule is applicable to all records of trial of more recent date, up to ten years anterior to the present time in which prisoners were acquitted, or in which the period of the sentences passed has expired, exception being made of the final roobakaree, and, also, in respect to such cases as may comprehend the incident of parties accused, who have hitherto eluded apprehension, but, in the event of whose trial hereafter, it might be desirable to have the means of reference to the record of trial previously held in the case. Records of this last description will be preserved.

5. This rule should be acted on from year to year, so that no accumulation may occur beyond a term of ten years.

6. In regard to cases appealed to the Sessions Court, in which a copy of the final roobakaree is always sent to the Magistrate's office, the Sessions Court record of such cases may be periodically destroyed, after a term of five years. Thus on the 1st January next, all appeal records of this nature may be destroyed, appertaining to a date previous to 1st January 1850.

7. In carrying out the principle of these orders, Sessions Judges will bear in mind, in respect to the *mode* of destruction of old papers, the rule of Circular Order, dated 31st March, as modified by Circlar Order of 12th June last, in the Civil Department.

No. 1559.—*To the Criminal Authorities, North Western Provinces.—Agra, the 18th December* 1854.

THE Court have been informed of a system which was in force in a district, of the Magisterial authority having all the *chulans* of witnesses summoned in Criminal cases, brought before him, instead of, as is usual, being taken to the Nazir; and so many *chulans* only were received as it was thought probable could be disposed of during that day, and consequently any others presented by the witnesses were postponed till the next day. It is obvious that the effect of such a system must have been to present an untrue and erroneous statement of attendance of witnesses in the Diary.

2nd. As it is possible the same plan may be adopted in some other districts, the Court find it their duty to condemn, in unmeasured terms, so deceptive and wrong a method of making the despatch of business appear greater than is actually the fact, and to direct the immediate relinquishment of such a system, should it anywhere exist.

3rd. It is probable that this fallacious mode of misrepresenting the Diary, may account for those instances which have occasionally attracted the Court's notice of suspicious, and apparently unattainable celerity in the despatch of witnesses, as when in the yearly return of one district 9,431 witnesses were shown as having been detained for no longer a period than a single day.

4th. The review of the returns of Criminal Administration for 1853, furnished several examples illustrative of the above circumstance.

5th. The Court take the opportunity of observing that the practice, on complaints being preferred, of first summoning the witnesses cited in support of them, and, after examination, discharging the same, before issuing orders regarding the appearance of the defendants, is not illegal, being authorized by Sections 5 and 6, Regulation IX. 1807. A Magistrate may, however, always re-summon a witness on the expression of a wish to that effect by the accused, who is entitled under the law,* (as interpreted by Constructions 658 and 1280,) to be confronted with the witnesses who depose against him, and cross-examine them, though this privilege, the Court believe, is seldom desired to be exercised, at least in the bulk of petty and insignificant cases coming under the cognizance of the Local Criminal Courts.

* Clause 2, Section 18, Regulation VII. 1803.

No. 104.—*To the Sessions Judges in the North Western Provinces.—Agra, the 27th January* 1854.

IT has lately come to the notice of the Court, that a practice very generally obtains in the Magistrates' Courts, of taking down the evidence of witnesses prior to the administration of the solemn declaration under Act V. of 1840, which they are

not called upon to repeat, till such time as the recorded deposition is about to be read over to the Magistrate.

2nd. The Court request that you will point out to the Officers subordinate to you, the objectionable nature, and direct the immediate discontinuance, of this practice, as contrary to all judicial usage, and opposed to the very terms of the declaration, the wording of which, "what I *shall* state shall be truth," is without meaning, if it be administered *subsequently*, and not *previously* to the record of the deposition.

No. 142.—*To the Sessions Judges in the North Western Provinces.—Agra, the 7th February* 1854.

I AM directed by the Court to forward, for the information and guidance of yourself and your subordinate Magistrates, the accompanying copy of a letter from the Secretary to Government, No. 438, of the 27th ultimo, with its enclosures, authorizing the employment of a Government pleader before the Sessions Court, in any criminal trial, where, from the importance of the case, in any peculiar circumstances attending it, such a precaution may appear advisable.

2nd. The Court do not anticipate any frequent necessity for the employment of this agency, which, as you will observe from the enclosed correspondence, is mainly intended to be used in cases of that hitherto unfrequent nature, where the prisoners are defended by Counsel. Should, however, under the option now given, the Magistrate ever think it advisable, that a Sessions trial should be so conducted, the Court are of opinion, that the duty should, under usual circumstances, be entrusted to the Government vakeel, who may be presumed to be the ablest pleader in the Judge's Court, and who will be entitled to such fitting remuneration, as may be recommended for the extra labour devolving on him.

3rd. Any charges incurred in accordance with these instructions, should be submitted by the Magistrate in a monthly Contingent Bill, and forwarded by you to this Court in the manner indicated in the third paragraph of the letter of the Secretary to Government, herewith enclosed, with the expression of your own opinion as to the necessity for the vakeel's services in the particular case, and the suitableness of the fee proposed to be granted to him.

No. 438.—*From Secretary to Government, North Western Provinces, to Register Sudder Nizamut Adawlut, North Western Provinces.—Agra, the 27th January* 1854.

I AM desired by the Hon'ble the Lieutenant-Governor to request that you will submit to the Court the accompanying Extract, paragraphs 6 and 7, from a Despatch in the Home Department, No. 446 of 22nd May 1851, from the Supreme Government to the Government of Bengal, empowering the Magistrates under the latter Government to employ, under proper check, good pleaders on behalf of Government, before the Sessions Courts, in any particular Criminal cases which may be thought especially to require it, and to pay a suitable and sufficient fee on every such occasion for the service performed.

2nd. As the aid thus afforded to Magistrates in the prosecution of Criminal charges of a grave, or from any cause, of a specially important or difficult, character, will be equally valuable to the Magistrates in these provinces, the Lieutenant-Governor is pleased to authorize alike contingent expenditure in the districts under the jurisdiction of the Court, and requests that a communication to that effect may be made by a Circular Order to the Sessions Judges and to the Magistrates.

3rd. It will be proper, in the first instance, that the Magistrates submit monthly statements of any contingent charges incurred by them under this authority, through the Sessions Judge, for the information of the Court, who are requested thereupon to issue such directions, or to submit such recommendations to the Government, as a due regulation of this discretionary expenditure may seem to them to require.

4th. It may be desirable also that the Court should ascertain from the Calcutta Court, what checks on such expenditure have been established in the Bengal districts, but the issue of the Circular Order, with the instruction indicated in the preceding paragraph of this letter, need not be delayed on that account.

Extract, paragraphs 6 *and* 7, *from a letter from the Secretary to the Government of India, addressed to Secretary to Govt. of Bengal, No.* 446.—*Agra, the* 22*nd May* 1851.

Paragraph 6.—In your letter No. 891 of the 19th September 1850, it was recommended to the Supreme Government that a Government pleader should be appointed in the Sudder Court on the Criminal side, on a salary of Rs. 100 per mensem, and that Government pleaders should also be appointed in the Courts of the Sessions Judges for the conduct of criminal prosecutions, on salaries of Rs. 15 per mensem each. The first part of this proposition has merged in the larger plan discussed in the former part of this letter. Regarding the latter part of the proposition, the President in Council directs me to observe, that the employment of a Government pleader in Criminal trials in the Sessions Courts, does not appear to be thought necessary by the Sudder Court, except in cases in which under the Act of 1850, pleaders may appear on the part of prisoners. These cases may be expected to be few, and it will probably be only prisoners of some pecuniary means who are found to take advantage of the Act. But to prisoners of such means the President in Council doubts if it would in the main be safe to oppose such vakeels as could be retained for the very small salary of Rs. 15 a month, and it may at all events hardly seem necessary to pay these vakeels all through the year, for services which will perhaps be seldom called into action.

Paragraph 7.—Until therefore the extent of the operation of Act XXXVIII. of 1850 is better known, the President in Council is of opinion that it will be sufficient to empower the Magistrates under proper checks, to employ good pleaders on behalf of Government in any particular cases which may be thought especially to require it, and to pay a suitable and sufficient fee on every such occasion for the service performed.

No. 868.—*To the Sessions Judges, including Saugor and Kumaon.—Agra, the* 15*th July* 1854.

To facilitate the perusal of the Statements No. 6, of prisoners punished without reference, and No. 8, of prisoners acquitted, forwarded with your Monthly Returns, you are requested, in future, to cause the remarks recorded in those statements to be written in *two columns*, with a small blank space between, similar to the columns of a newspaper, instead of, as now, continuously across the whole width of the paper. Attention should also be paid to the ink which is used in the writing of statements and letters being of proper darkness and consistency.

NOTIFICATION

OF THE

SUDDER DEWANNY ADAWLUT,

NORTH WESTERN PROVINCES.

No. 1904.—*Notification.—Agra, the* 15*th September* 1854.

THE Court, in continuation of the announcement made under date 9th, published in the *Agra Government Gazette* of 20th December 1853, notify, for general information, that it having been the intention of Government, as conveyed by that order, that the examinations of candidates for the office of Moonsiff and Pleader in the Sudder, Zillah, and Principal Sudder Ameen's Courts, and of Pleader in the Sudder Ameen's and Moonsiff's Courts, should be coincident in point of time with the examination of Covenanted Assistants (taking place on the 1st April,) and be conducted either immediately before or after the latter, the ensuing yearly examination of candidates for diplomas will, consequently, take place on the 9th and following dates of April 1855, until completed.

NOTIFICATION

OF THE

NIZAMUT ADAWLUT,

NORTH WESTERN PROVINCES.

No. 975.—*Notification.—Agra, the* 2*nd August* 1854.

REFERRING to the system heretofore existing, of the Sessions trials of certain districts of the Western Provinces being held at the Sudder stations of adjoining districts, forming the head-quarters and residence of the Sessions Judge, and to an opinion recently expressed by the Government that such a course was open to serious objection, and that it is expedient for the Sessions Judge, in such instances, to proceed, for the purpose of holding periodical Jail deliveries at the out-stations comprehended in his jurisdiction, once in two months, or once a quarter; also that the system, according to which capital sentences have been accustomed to be carried into execution at the Sudder station where the Sessions Judge resides and the prisoner was tried, and not at the out-station of the district in which the crime was committed, is objectionable, and should be abandoned; the attention of the Sessions Judges generally, and particularly those of the marginally* named districts, is requested to the following remarks and orders.

* Meerut.	Mynpoory.
Saharunpore.	Agra.
Moradabad.	Bundelkund.
Barcilly.	Dehlie.
Furruckabad.	

2*nd*. Respecting the first of these questions, the Government have signified their objection to the practice, as causing very serious inconvenience to the prosecutors and witnesses in such trials, who have to proceed to a distance, and as

involving a risk of injustice towards prisoners, whose means of defence may be weakened by their removal from the neighbourhood of their own homes.

3rd. Government have been, therefore, pleased to determine that the Sessions Judges of those districts, to which out-stations are attached, shall proceed thither for the purpose of holding periodical Jail deliveries, after every second month, where the out-stations may be comparatively near, and the means of travelling rapid, or, elsewhere, after every quarter. Suitable buildings as cutcherries, for the occupation and use of the Sessions Judges, will be erected at such of the out-stations as do not afford existing accommodation of the sort. The usual travelling charge will be allowed to the Sessions Judges on each occasion of their visit to the out-stations to hold Jail deliveries.

4th. The Tabular Statement in the Appendix will indicate at which of the out-stations, to which these orders are applicable, accommodation already exists, and at which it remains to be supplied, together with the periods which have been fixed for the visitation of the several localities. In the instances where suitable buildings are already provided, the plan now ordered will take immediate effect. It must be postponed in respect to the rest, until accommodation shall be prepared. The Sessions Judge of Furruckabad will hold a Jail delivery every quarter, at the out-station of Etah, when due provision for a cutcherry shall have been made there.

5th. An exception of the above general rule has been admitted in the occasional instance of crimes being committed on travellers passing along high roads, to Meerut, Saharunpore, or elsewhere, in which an immediate trial at the ordinary residence of the Sessions Judge may become expedient for objects of convenience, or the ends of justice. Such cases may be at once committed, at the discretion of the Magistrate, for trial by the Sessions Judge at his Sudder station.

6th. A partial relaxation of the rule has, further, been sanctioned, under the peculiar circumstances of the Dehlie territory, in respect to the districts comprising that jurisdiction where the Sessions Judge will be expected to hold Jail deliveries at two or three only of the out-stations of his charge.

7th. Regarding the second matter referred to in the opening paragraph, the Government are of opinion that the extreme penalty of the law ought to be carried into execution nowhere else but in the district wherein the circumstances of the crime visited by it, are the most likely to be generally known, and in which the most impressive effect may be expected to be produced by the example. Under the new arrangement of a Circuit Jail delivery each two or three months, now sanctioned, the necessity of the transit of prisoners, to and fro, between the district whence their committal is made, and the Sudder station of the Sessions Court, will no longer exist, and the system of executing capital sentences at the latter locality, will also cease with it. But until the new plan shall come into general operation by the provision of cutcherries at all the out-stations affected by these orders, due precautions will continue to be used for the secure custody of prisoners (under accusation or sentence) in transit, and for the avoidance of accident or misadventure.

8th. The effect of the arrangement directed by the preceding paragraph, is to supersede the instructions communicated in the Court's letter to the Inspector of Prisons, dated 3rd March 1849, (copy of which was sent for guidance to the Sessions Judges named in the margin* on the same date) sanctioning the execution of capital sentences passed on prisoners committed by the Magisterial authorities of outlying stations, at the Sudder station of the Sessions Court to which such Magistracies are subordinate. The *first* rule (it may be added) of Circular Order Nizamut Adawlut, dated 29th June 1850, merely imports that all executions (if not expressly ordered otherwise in the sentence of the Nizamut Adawlut) shall take place at the station where the Magisterial Officer charged with carrying them out, resides, and not elsewhere.

* Saharunpore. Furruckabad.
Meerut. Mynpoory.
Bareilly. Agra.
Moradabad. Bundelkund.
Dehlie.

APPENDIX TO NOTIFICATION.

Head Station.	Out-Station.	Accommodation required.	Distance in miles from Head Station.	Term of circuit recommended by the Court.	REMARKS.
Meerut, --	Boolundshuhur.	House for personal accommodation for Judge.	40	3 Months.	The Sessions can be held in one of the public buildings.
Saharunpore.	Mozuffernugger.		37	3 Months.	The former circuit house has been made available.
	Dehra, -	A Cutcherry, --	52	3 Months.	The erection of suitable public accommodation through the Chief Engineer has been sanctioned by Government.
Moradabad,	Bijnore, --	Ditto, --	52	3 Months.	
Bareilly,	Budaon, --	Ditto, --	30	2 Months.	
	Shajehanpore, --	Ditto, --	45	2 Months.	
Mynpoory,	Etawah, --	Ditto, --	40	3 Months.	
Furruckabad.	Etah, --	Ditto, --	50	3 Months.	
Agra, --	Muttra, --	Ditto, --	36	2 Months.	It is proposed to purchase a house for private sale at this station as a Cutcherry; the Chief Engineer has been desired to report on this.
Bundelkund,	Humeerpore,		42	3 Months.	A public building is available.
Dehlie, --	Rohtuck, --	A Cutcherry, --	50	3 Months.	The distance of Hissar from the Sudder station makes it expedient to have the Sessions of that district at Rohtuck. The erection of suitable public accommodation through the Chief Engineer has been sanctioned by Government.
	Hissar, --		104		
	Paneeput,	A Cutcherry, --	61	3 Months.	The erection of suitable public accommodation through the Chief Engineer has been sanctioned by Government.
	Goorgaon,	Ditto, --	18	2 Months.	

CIRCULAR ORDERS

OF THE

SUDDER BOARD OF REVENUE,

NORTH WESTERN PROVINCES,

For 1854.

No. 1.—*To the Revenue Authorities, North Western Provinces.—Dated Agra, the 17th January* 1854.

Under instructions from Government, the Sudder Board of Revenue prescribe a form, according to which Collectors are required to report divisions of estates to Commissioners, for confirmation.

Board prescribe form according to which Collectors are required to report divisions of estates to Commissioners for confirmation.

2nd.—Ordinary attention to the explanatory notes on the form, will insure correct entries, save repeated references, and prevent the recurrence of irregular Butwarrahs, which have been detected in some districts of these provinces.

3rd.—In these cases the Revenue Officers have conducted, or acquiesced in separations effected by land-owners, and treated portions of an estate, as distinct Mehals, contrary to the principle, that complete division of an estate, and recognition of its parts as new Mehals, to be valid in law, requires confirmation of superior authority.

4th.—Two modes of separation of estates are recognized by present law and practice. One does not involve the dismemberment of the Mehal as constituted by the contract of the existing settlement, and is authorized and encouraged as convenient for purposes of internal management. The process does not require confirmation of the Commissioner. The other involves the necessity of new contracts with the Government on account of the newly constituted Mehals, and the confirmation of the Commissioner is imperatively necessary.

Directions to Collectors, paragraphs 169, 170.

Circular Order of the Sudder Board of Revenue, dated 10th July 1846.

Directions to Collectors, paragraph 168.

5th.—It will prevent misunderstanding to adhere in future to the terms "Imperfect Partitions" or "Tukseem Ikuta," as applied to the former; and to "Complete Divisions" or "Butwarrah Ulluhdah" applied to the latter.

6th.—There have been several modifications of practice, but the principle, essentially necessary to legalize a "Complete Division" of an estate, has remained inviolate from the first.

7th.—By the contract of settlement between the Government and land-owners, every estate is liable, in all and part, for the assessment fixed on the whole, and no portion can be exempt from the general responsibility, till complete division of lands and apportionment of juma has been completed according to law.

8th.—By Sections 19 and 20, Regulation XXV. 1793, the confirmation both of the Board and Government was declared necessary to give validity to a complete division.

9th.—These legal provisions were extended to the province of Benares by Regulation XXVI. 1795.

10th.—By Clause 5, Section 13, Regulation I. 1801, the confirmation of Government was declared requisite only in special cases, but by that and the preceding Section, sanction of the Board in all cases was determined to be necessary.

11th.—This rule was extended to the Ceded Provinces by Section 60, Regulation XXVII. 1803.

12th.—By Section 9, Regulation IX. 1811, no complete division of a share can be considered valid without express sanction of the Board of Commissioners, whose authority had been previously established in the Upper Provinces, and the province of Benares, by Regulations X. 1807 and I. 1809.

13th.—The same principle is maintained in Section 20, Regulation XIX. 1814, and has in no way been affected by subsequent changes in the constitution of superintending authority, it having been declared by Section 4, Regulation I. 1829, that Commissioners of Divisions should exercise the same powers as the Board of Commissioners above-mentioned, and Board of Revenue for the Central Provinces, constituted by Regulation III. 1822, subject to the control of the Sudder Board of Revenue, and to such instructions as that Board may prescribe with the sanction of Government.

14th.—It is thus evident, that no complete division of an estate, as constituted by the contract of settlement, can be valid without confirmation of authority superior to the Collector, and that separations which they may have authorized or permitted to pass as "Butwarrah's Ulluhdah" are invalid, and not binding on Government. The acceptance of separate engagements, as has sometimes happened in such cases, is of no avail, for ratification has not been obtained.

15th.—Collectors are required to report such cases of irregular "Butwarrah Ulluhdah" on their coming to their notice, in order that due notification may be given to land-owners of properties in this predicament, of the actual state of the case as regards their title and liability.

FORM

Form of Statement of Complete Divisions (Butwarrah Ulluhdah) effected under Regulation XIX. of 1814 *in Zillah* ———.

Number.	Pergunnah.	Mehal.	Names of Lumburdars.	Area in Acres.						Government Juma.	Rates per Acre.			New Mehals.			Names of Proprietors.	Area in Acres according to the measurement of the Ameen.						Average Collections of past three years.	Government Juma.	Rates per Acre.			Remarks.
				Total Area.	Culturable waste, & lately abandoned.	Cultivated.			Total Malgoozaree Area.		On total Area.	On Malgoozaree.	On Cultivation.	Number.	Name.	Extent of share.		Total Area.	Culturable waste, & lately abandoned.	Cultivated.			Total Malgoozaree Area.			On total Area.	Malgoozaree Area.	Cultivation.	
						Irrigated.	Unirrigated.	Total.												Irrigated.	Unirrigated.	Total.							
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
At the last Settlement.																													
" " " " "																													
Subsequent Butwarrah Ulluhdah confirmed under date																													
" " " " " " "																													

COLUMN 3.—Where Tuppeh Sub-Divisions obtain, insert the name of the Tuppeh above that of the Mehal.

COLUMN 4.—If the names are numerous, insert a few and "and others" for the rest; insert the tenures under the names.

COLUMNS 5 TO 11.—Always insert particulars regarding the original Mehal from the Settlement record, though there may have been a subsequent Butwarrah Ulluhdah. If there has been more than one Butwarrah Ulluhdah subsequent to Settlement, particulars for each should be given. The date of confirmation of Butwarrah must be invariably entered.

COLUMN 17.—If the tenure be Zemindaree or imperfect Putteedaree, insert the fractional share; if pure Putteedaree, the area of holding.

COLUMN 18.—Insert the names of Lumburdars in red Ink.

Discrepancies between Totals of Columns 5, 9, 10, and Totals of Columns 19, 23, 24, should be accounted for by diacritical letters for each, and explanations for each written across the Statement.

No. F.—*To Commissioners of Divisions,* 1 *to* 5, *and Dehlie, Saugor and Kumaon.*—*Dated Agra, the* 20*th January* 1854.

The Board, in modification of former orders, fix one month as the period, within which the Collector can interfere with the decisions of his subordinates vested with the power to dispose of summary suits.

THE Sudder Board of Revenue have recently collated the orders, which have been issued from their office from 1837 to 1853, on the subject of revision by Collectors, of decisions passed by their subordinates vested with the power of deciding *summary suits* between landlord and tenant. These orders are manifestly discrepant, and diversity of practice prevails in different districts in consequence.

2*nd.*—The present Circular is designed to define the circumstances which justify the interference of the Collector with the decisions of his subordinates, covenanted or uncovenanted, in *summary suits*, and the period within which that interference, if exercised at all, must take place.

Section 18, Regulation VIII. 1831.

3*rd.*—The legislature has not fixed any term of limitation to such revision by the Collectors, in this department, but it has vested the Sudder Board of Revenue with powers of issuing instructions for their guidance, and a rule has been issued with the approval of Government for the purpose.

4*th.*—It is unnecessary to discuss the policy or the necessity of the Board's Circular No. 10, dated 30th May 1848. It has been adopted in the Directions to Collectors, and it is only necessary to guard against latitude and irregularity in its observance.

5*th.*—By this rule Collectors are empowered to revise orders passed by any Deputy or Assistant Collector, entrusted with the decision of summary suits, if they think *injustice* has been done by the decision, provided such order of revision be passed within one month from the date of the decision by the subordinate officer.

6*th.*—The rule is quite clear, is consistent with justice and the principle of summary investigation, regarding which it has been justly observed that "the adoption of the process is founded on the urgency of the demand."

7*th.*—But in practice the term of a Collector's interference has been extended without objection to two months, and even further, it must be believed, from cases occasionally detected.

8*th.*—The principle of the rule, too, is constantly violated. Many Collectors fail to observe that their interference is warranted within the term prescribed, only on the ground of *injustice*. The rule gives none of the license to capricious interference on other grounds, which some officers are apt to indulge in, and which are productive of the evils so forcibly described in paragraph 52 of the Board's printed Circular No. II.

9*th.*—(Under revision.)

10*th.*—The attention of a Collector to a decision which he may deem unjust, may be attracted by voluntary inspection of suits recently decided, or at the instance of parties whose statements, *primâ facie*, lead him to infer, that injustice has been done; or the subordinate officer who has decided a suit, may, on reflection, be apprehensive of such a result, and call the attention of his superior to the case.

11*th.*—But under any circumstances it is essential and absolutely necessary, that the Collector should both restrict himself to the ground of *injustice*, and pass his order *within the term* prescribed by the rule. Delay, whatever may be the Collector's order, cannot bar the party dissatisfied from the remedy of a regular suit, but as is stated in paragraph 52 of the Board's printed Circular No. II., "if adjudication be deferred, the object of the legislature is defeated, and the measure only produces

annoyance and disappointment to the litigant parties, whilst the time of public officers is unnecessarily and uselessly occupied."

12*th*.—You are therefore requested to instruct your Collectors to abstain from revising decisions in summary suits of subordinate officers competent to decide such suits, except on the ground of injustice, and to bear in mind that the power of revision can be exercised only within one month of the date of the summary decision, and not afterwards.

13*th*.—The Collectors should further be instructed in drawing up the statement required by Circular No. 13, dated 30th December 1851, to consider the rule as requiring explanation from them in cases admitted by them for revision, but in which the order of revision has not been passed by reason of the specified term of one month from the date of the summary decision having elapsed. Revision cannot, under rule, be made in such cases, but the number and dates of such should be furnished as indications of the mode in which the Collectors perform their duty.

No. G.—*To Commissioners of Divisions,* 1 *to* 5, *and Dehlie, Saugor and Kumaon.—Dated Agra, the* 10*th February* 1854.

I AM directed by the Sudder Board of Revenue, to forward herewith for your adoption, the form of a "Register of suits other than Pauper* suits," in which Government is a party, which they desire may be kept up in your office for the purpose of facilitating the collection of sums due in such cases to Government, and of enabling you to expedite the adjustment of accounts when the disbursements do not admit of recovery.

Board prescribe a form of Register of suits other than Pauper suits, in which Government is a party, to be kept up in the Commissioner's office for the purpose of facilitating the collection of sums due to Government in such cases, and of enabling him to expedite the adjustment of accounts when the disbursements do not admit of recovery. A report on the reason for any balance being still outstanding on account of the costs of any such suits recoverable by Government at the close of a year, should be submitted to the Board.

* *Vide* Circular J. of 1853, dated 31st May.

2*nd*.—The Board request that the new Register, which has received the sanction of Government, may date from 1st January last, in supersession of any other form hitherto used in your office for the like purpose. It should be on a folio of book paper size, the whole, or half of a page, being appropriated to each suit.

3*rd*.—You will have no difficulty in keeping up this record, for you must have cognizance of all suits of the kind in question, as the law requires reference to you on institution.

4*th*.—When a case has been finally decided and reported, the Collector should be instructed to take measures to realize costs awarded to Government, or to report such as have been given against Government for adjustment; in either case reporting the result in due course, and when this report has been furnished, the result should be entered in your register in red Ink, as shewn in the specimen.

5*th*.—By this simple plan you will be able at any time to see by a glance at columns 4 and 7, what cases have not been finally disposed of, and to call the Collector's attention to them.

6*th*.—You are further requested, in accordance with the directions of His Honor the Lieutenant-Governor, to report immediately to the Board, on the reason for any balance being still outstanding, on account of the costs of any suit recoverable by the Government at the close of a year.

FORM OF REGISTER.

Number.	Zillah.	Name of the Court, No. of the Suit, Name of Parties, and substance of Plaint.	Date of the Plaint, and of intimation received.	Date of Collector's report, and orders on steps to be taken in the case.	Decision of Court.		Memorandum of costs incurred by Government.	Adjustment of Costs.
					First Instance.	Appeal.		
		Moonsiff of Syedpore. No. 2976. Ram Pershad, *versus* Collector and Ramjeawun. Suit, to set aside the sale of mouzah Rampore, for arrears of revenue against Collector and auction purchaser.	Plaint 12th May 1853; intimation 17th idem.	Collector 28th May, No. Sudder Board of Revenue, 11th June, No.	Dismissed 7th September 1853.	Dismissed 12th October 1853.	*First Instance* Rs. Stamp Paper, -- Vakeels' fees, -- Tulubana, ---- Appeal, -- -- Total, Rs.	Realized in full from party cast, and credited to Government as reported by Collector. Date

No. 2.—*To the Revenue Authorities, North Western Provinces.—Dated Agra, the 21st February* 1854.

Board prescribe rules for the guidance of the Revenue Authorities, and especially of Tehseeldars, Canoongoes and Putwarees, in cases of Lumburdaree and proprietary mutations, a notification of the purport of which should be affixed in all the villages.

THE attention of the Sudder Board of Revenue has been drawn to the numerous instances of great delay on the part of the Canoongoes, in reporting the deaths of Lumburdars to the Collectors, and to the inconvenience of the present rule regarding proprietary mutations, which the village Putwarees report only at the end of the year. With the sanction of Government, the following rules are prescribed for the guidance of Tehseeldars, Canoongoes, and Putwarees.

2nd.—When a Lumburdar dies, the Putwaree is directed immediately to report the occurrence in writing, in the form of a memorandum, or *yaddasht*, addressed to the Tehseeldar. The Tehseeldar, on receipt of this paper, will enter the date of its receipt, and call on the Canoongoe to perform the duty required of him by Rule 8, Section 7, Regulation IV. of 1808, viz., to report the death of the Lumburdar, and the name of his heirs. If the Putwaree or Canoongoe neglect their duty in these respects, the Tehseeldar should report them to the Collector.

3rd.—When by reason of succession to the share of a deceased proprietor, or by transfer, alteration has to be made in the khewut, or register of proprietary mutations, the Putwaree is directed to send a memorandum, or *yaddasht*, of the occurrence to the Canoongoe without delay. In cases of transfer the Putwarees should ask the parties to the transaction to sign the paper, but its transmission must on no account be delayed.

4th.—The Canoongoe, on receipt of the paper, should enter the date of its receipt, and adding his seal and signature, insert the purport of it in a record open to public inspection in the Tehseeldaree. He should bring to the notice of the Tehseeldar any case of proprietary succession or transfer, of which he has otherwise obtained information, but which the Putwaree has not reported, in order that the Putwaree may be called to account.

5th.—The Canoongoe should file the Putwaree's report for ready reference, and comparison with the Annual Register No. VII. prepared and submitted by Putwarees according to existing rules.

6th.—The Tehseeldars should take occasion, when proprietors of Estates come to the Tehseeldaree to pay revenue, or on other business, to refer to the public record of mutations, and enquire regarding cases of succession or transfer therein mentioned. A few verifications will be useful in preventing inaccuracy or wilful falsification.

7th.—A notification of the purport of the above should be affixed in all the villages, so as to give complete publicity to the rule for providing a record of proprietary mutations at the Tehseeldarees, which will be always open to general inspection.

No. 3.—*To the Revenue Authorities, North Western Provinces.—Dated Agra, the 14th March* 1854.

The Sudder Board of Revenue, North Western Provinces, ratify the cancellation of their Circular No. 17, dated 30th July 1847, regarding the exemption of certain estates from coercive processes, other than sale.

THE Sudder Board of Revenue, with the sanction of the Government, North Western Provinces, have rescinded their Circular No. 17, dated 30th July 1847, regarding the exemption of certain classes of Estates from coercive processes, other than that of sale.

2nd.—Cases may doubtless occur, such as are alluded to in the *latter part* of paragraph 94 of Directions to Collectors, in which sale, without recourse to other coercive process intermediately, may be advisable. But classification of estates for this purpose is disallowed, and in future the necessity of the sale process in each case must be shown from enquiry into the existing circumstances of the property, and consideration of the several points indicated in the Board's Circular No. 11, dated 2nd July 1847, (Appendix XI., Directions to Collectors.)

NOTIFICATION.—*Revenue Department.—Dated Agra, the 30th June* 1854.

Board, with the sanction of Government, publish Rules for the disposal of appeals preferred to them.

THE following Rules, for the disposal of appeals preferred to the Sudder Board of Revenue, North Western Provinces, which have received the sanction of Government, are published for general information:—

RULES.

Circular Order Sudder Board of Revenue, No. 12, dated 11th August 1848.

I.—All petitions relating to subjects within the jurisdiction of the Sudder Board of Revenue, will be received from parties, or their agents presenting them, within office hours, or through the public post, if post-paid.

II.—The Secretary will, as usual, bring forward, for immediate refusal, petitions of appeal engrossed on paper less than the prescribed stamp of two rupees, or unaccompanied with authenticated copies of the orders of the Commissioner, Collector and other officers, to whose orders reference is made in the appeal, either as in favor of, or adverse to, the appellant.

III.—With all petitions on the prescribed stamp, the record-keeper will bring forward any papers in the office relating to the subject, or certify that no papers are forthcoming, and abstracts in English of all such petitions will be prepared and placed on record.

IV.—The Board will exercise their discretion as to instituting enquiry upon any general complaint, or of refusing it. They will similarly exercise their discretion in admitting, or refusing to admit, appeals, as special appeals.

V.—Appeals, from orders of the Commissioners and subordinate Officers, will be admitted as special appeals, if, on the face of the Commissioner's and his subordinate's order, the Board see reason to apprehend that justice has been denied to the party in the orders appealed against, or that they are contrary to law, prescribed rules of practice, or recognized usage, or that the public interests have not been sufficiently attended to.

VI.—Appeals which contain none of the grounds set forth in the preceding rule, will be refused admission as special appeals. The reasons for rejection will be stated in the Board's order, but in cases of merely frivolous or vexatious appeals, a note stating briefly that they are of that character, will be appended to the English abstracts of petition.

VII.—On admitted appeals, after such investigation and reference as may be considered necessary, the final judgment of the Board will contain such a distinct summary of the case, as will explain to the party interested, the purport and grounds of the final order, maintaining, modifying, or reversing, the order of the Commissioner and his subordinates, as the result may be.

VIII.—The final orders on appeals, rejected or admitted, will be written in English in open Court by the sitting Member, and the vernacular order will be a literal translation of the English order, when it has become final by concurrence of both Members. The vernacular order will be signed by the Secretary.

IX.—The final order on all appeals, will be explained to parties present, or their agents; or, if absent, copy of the vernacular order will, excepting as provided for in the following paragraph 10, be transmitted through the Commissioner to the Collector, for the information of the parties interested, and at the same time all exhibits filed by the appellants, or respondents, will be returned, copies of such as are required, being retained.

X.—Copies of orders on petitions rejected, according to paragraph 6, as frivolous or vexatious, will not be transmitted to absent parties. In these cases, parties must apply in person, or by agent, for copies of orders, and for the return of any exhibits which may have been filed.

XI.—Should there be occasion in any case to animadvert on the proceedings, either of the Commissioner or his subordinates, the observations of the Board will be conveyed in a separate communication to the Commissioner.

XII.—Parties desirous to have copies of the abstract translate in English, as well as of the vernacular copy of their petition, and of the orders of the Board in English as well as in vernacular, may be furnished with copies of all, or either, on the requisite stamp paper, upon application to the Secretary. But the Board reserve the right to withhold copies of their English minutes, not being orders on individual cases in appeal.

No. Z.—*To the Commissioners of Dehlie, Meerut, Rohilcund, Agra, Allahabad, and Benares.—Dated Agra, the 4th July* 1854.

The Sudder Board of Revenue, North Western Provinces, request that you will call the attention of the Collectors of your Division to the view taken of Section 6, Regulation IX. of 1833, and paragraphs 11 and 12 of "Directions to Settlement Officers," by the Court of Sudder Dewanny Adawlut in their decision noted in the margin*.

The Board direct attention to the Construction by the Court of Sudder Dewanny Adawlut of Section 6, Regulation IX. of 1833, and paragraphs 11 and 12, "Directions to Settlement Officers."

* Rugunath Singh and others, (Plaintiffs,) Appellants, *versus* Ishree Buksh Singh and others, (Defendants,) Respondents. No. 311 of 1853, decided 9th February 1854, volume IX., pages 86, 87.

2nd.—For convenience of reference, the Construction of the Court is quoted below *in extenso*.

"But the Court feel it incumbent on them, under the extended powers vested in them by Section 10, Act No. XVI. of 1853, to notice a defect in the arbitration proceedings, under Regulation IX. of 1833, which is not indicated in the certificate of special appeal, but which, in their opinion, is completely vitiatory of the award. It is clearly the intent of Section 6, Regulation IX. of 1833, that the order for a compulsory arbitration should be deferred until the attempt to adjust the dispute by means of private arbitration had failed, and it is further directed, by paragraphs 11 and 12 of the 'Directions to Settlement Officers,' promulgated by Government under date 1st November 1849, in conformity with the provisions of Section 7 of the Regulation, that 'a dispute having been found to exist, the contending parties should be allowed seven days to settle it, either by compromise, or private arbitration, or in any other way they prefer. During that period every means should be used, to bring them to an amicable arrangement. At the expiration of seven days, if the dispute remain undecided, resort must be had to compulsory adjudication.' It is clear from the above quotation that the Settlement Officer was not competent to resort to compulsory adjudication, until the period of one week had been allowed the parties to endeavor to settle the dispute among themselves. In the present case, it does not appear that any attempt was made by the Settlement Officer to have the dispute

settled privately, but it is, on the contrary, evident, that he proceeded at once to enforce arbitration, under the powers conferred on him by paragraph 12 of the Rules of Practice above quoted. The appellants, throughout, objected to the arbitration so ordered, and refused to sign the final award. The Court cannot, therefore, recognize the arbitration thus irregularly made, as in any way binding on the Civil Courts; and the Principal Sudder Ameen and Judge should have disposed of the present suit according to their own judgment, as if no such award had been made."

3rd.—It will be observed that the Court insist on the illegality of resorting to compulsory adjudication under Section 6 of the Regulation, until after the requisite endeavor to adjust the dispute by compromise or private arbitration has been made, and the time prescribed has expired.

No. B. B.—*To the Commissioners of Dehlie, Meerut, Rohilcund, Agra, Allahabad, and also to Commissioners of Benares, Kumaon and Saugor.—Dated Agra, the 18th July* 1854.

I AM desired by the Sudder Board of Revenue to forward extracts of Correspondence as per margin*.

The Board circulate extracts from the orders of Government, and other Correspondence, placing all rivers and streams in tracts intersected or watered by Canals, under the control of the Canal Officers.

2nd.—You will observe that the control of all rivers and streams in tracts connected with a canal, is to be vested in the Canal Officers, subject only to such reservations in favor of the proprietors or malgoozars of estates, as may have been expressly declared and recorded at settlement.

* Paragraphs 11 to 13, of a Report, No. 3049, dated 17th April 1854, from the Superintendent of Canals, North Western Provinces.
Paragraph 12th of Board's address to Government, No. 429, dated 6th June 1854.
Paragraph 3rd of Government Order, No. 426 A., dated 21st idem.

3rd.—The districts in these Provinces, which are intersected by Canals, completed or in progress, or which receive, or will hereafter receive, water from them, are noted below. This Circular should be forwarded to the Collectors of those districts within your division for their information and guidance.

I.—*Dehlie Division.*

Bhutteeana,-- --	Western Jumna Canal.
Paneeput, -- --	Ditto.
Hissar,-- -- --	Ditto.
Dehlie,-- --	Ditto and Eastern Jumna Canal, also Nujufgurh Canal, under the Collector as Superintendent (Government Order, No. 1299, dated 31st March 1848, page 16, Acts and Orders).
Rohtuk, -- --	Western Jumna Canal.

II.—*Meerut Division.*

Deyrah Dhoon, --	Beejapoor Canal, Rajpoor Canal.	
Saharunpore, --	Eastern Jumna Canal,	Ganges Canal.
Mozuffurnugur, --	Ditto	Ditto.
Meerut, -- --	Ditto	Ditto.
Boolundshuhur, --	Ganges Canal.	
Allygurh, -- --	Ditto.	

III.—*Rohilcund Division.*

Bijnore, -- --	Nugeena Canal, under the Collector as Superintendent (Government Order, 31st May 1845, page 31, Acts and Orders).
Bareilly, -- --	Canals from the Paha Kitcha Dhoon and Eastern Bygool (Government Order, No. 4409, dated 30th August 1848, Acts and Orders, page 24).

IV.—*Agra Division.*

Muttra, -- --	Ganges Canal.
Agra, -- --	
Etah, -- --	
Furruckabad, --	
Mynpoory, --	
Etawah, -- --	

V.—*Allahabad Division.*

Cawnpore,-- --	Ganges Canal.
Futtehpore, --	

4th.—The Collectors of these districts should give their best attention to the representations, or enquiries of the Canal Officers regarding streams and rivers within their jurisdiction, and report to them the erection by proprietors, malgoozars or others, of bunds, mills, and other works likely to affect the flow of water.

ENCLOSURE. *Vide Margin of paragraph 1st.*

APPENDIX TO CIRCULAR ORDER B. B. OF 1854.

Extract, paragraphs 11 *to* 13, *of a Report No.* 3049, *dated* 17*th April* 1854, *from the Superintendent of Canals, North Western Provinces.*

11th.—I would here remark on the advisability of establishing as a general rule, in all tracts connected with Canals, that the rivers, with which they are connected, should be entirely under the control of the Superintendent General of Canals and Irrigation; that no bridges, bunds, or works of any description, should be built on them without his concurrence; and that he should be held responsible for their proper and efficient maintenance free from the evils of marsh and inundation.

12th.—I am satisfied that had the Superintendent of the Eastern Jumna Canal had any control over the lines of the Nowgong and Muskurra above alluded to, and had he been held responsible for their proper condition, although the evils complained of might not have been entirely prevented, they would have been to a great extent modified.

13th.—I think that the attention of the Canal Officers ought to be directed to the relief of this tract of country from the evils which the Canal works have undoubtedly brought upon it, and that the country ought to be relieved without reference to the profit and loss calculations of Lieutenant Morton's 5th paragraph.

Extract, paragraph 12, *of Board's address to Government, No.* 429, *dated* 6*th June* 1854.

12th.—The remarks contained in paragraphs 11 to 13, of Lieutenant-Colonel Cautley's No. 3049, dated 17th April last, on the general question of the control of all rivers and streams in the tracts connected with the Canals, and the relief of the line of country injured by the Eastern Jumna Canal, are of great importance. The Board entirely agree with Lieutenant-Colonel Cautley, and solicit the orders of His Honor the Lieutenant-Governor on both of those questions.

Extract, paragraph 3, *of Government Order No.* 426 *A., dated* 21*st idem.*

3rd.—His Honor also fully approves the recommendation of Lieutenant-Colonel Cautley, supported by the Board in paragraph 12th of your letter, for placing the control of all rivers and streams in tracts connected with a Canal, under the responsible control of the Canal Officers, and he anticipates important advantage from the

adoption of this measure. The interference of the Canal Officers will, of course, not be exercised within limits in which the beds of rivers and streams may, by the settlement, have been declared to belong to the engaging proprietors; but this, it is apprehended, will scarcely have occurred in any case. The Officiating Superintendent of the Canals, North Western Provinces, will be furnished with copies of paragraph 12th of your letter under reply, (which refers to Lieutenant-Colonel Cautley's letter, No. 3049, of the 17th April last,) and of the present paragraph, and will be authorized at once to give effect to the view here sanctioned upon all the Canals under his direction.

No. C. C.—*To the Commissioners of Dehlie, Meerut, Rohilcund, Agra, Allahabad, Benares and Kumaon.—Dated Agra, the 28th July* 1854.

The Board, in supercession of former orders, including Circular F., dated 12th September 1848, No. 6, dated 5th July 1850, and No. 5, dated 3rd June 1851, issue instructions for the conduct of civil suits in which Government is a party.

THE Sudder Board of Revenue have recently collated the orders, inclusive of the Circulars noted in the margin*, which from time to time have been issued for the conduct of suits in which Government is a party. To insure uniformity, regularity and punctuality in this department, the following rules are issued with the approval of Government.

*No. F., dated 12th September 1848.
No. 6, dated 5th July 1850.
No. 5, dated 3rd June 1851.

Suits in which Government is a party in the local Civil Courts.

2nd.—Whenever an action may be brought against Government in any Civil Court of primary jurisdiction, the Collector should take a legal opinion from the Government vakeel, in writing, giving him for that purpose all available information, and being careful to place before him every paper bearing on the subject. The Collector should next, without delay, submit a detailed report of the circumstances out of which the suit has arisen, the advice of counsel, and the course suggested to be pursued. With this report he must invariably submit the following documents:

No. 1. Copy of the plaint in the vernacular.
No. 2. Abstract translation of the above.
No. 3. Draft of proposed reply in the vernacular.
No. 4. Abstract translation of proposed reply copied half margin.
No. 5. Descriptive list of documents proposed to be filed along with the reply agreeably to the practice enjoined by the present law of evidence, (Section 40, Act XIX. 1853.)

The entire vernacular misl should also be forwarded, if an inspection of it is considered necessary to the elucidation of the case.

3rd.—The Collector should be careful that the proposed answer is as brief as is consistent with completeness. It should meet every statement or plea advanced in the plaint which is material to the case. No inaccurate assertion or argument, affecting the matter at issue, should pass unchallenged.

4th.—The Commissioner should enter such observations as the pleas may seem to require in the blank margin of document No. 4, in paragraph 2, and submit the papers, Nos. 1 to 5, there mentioned with a separate report or docket to the Sudder Board.

5th.—The Board will return these papers, retaining copies, with explicit instructions, after the issue of which the conduct of the suit, during its subsequent progress, will be left to the Commissioner, who will give any further orders necessary for the Collector's guidance, and will, according to his judgment, sanction the institution or defence of a regular appeal in the local Courts, but not in the Court of Sudder Dewanny Adawlut.

6th.—The Commissioner will keep the Board duly informed of the result of the suit in the local Courts of first instance and appeal, but it will be unnecessary to apply to them for fresh instructions, except in cases of doubt or difficulty.

7th.—The Government vakeels should confer freely with the Collectors, on the subject of pending suits in which Government is a party interested, and should promptly report, both to them and to the Commissioners, decisions, as soon as they are declared.

8th.—Whenever from any cause, such as the absence of the Commissioner and Collector from Head-Quarters, or other reason, there may not be time to obtain sanction to appeal against the adverse decision of a Court of first instance, within the time prescribed, and the Government vakeel urges such appeal, the Collector is at liberty to use his discretion of instituting an appeal, with the restriction in paragraph 5, in anticipation of sanction.

9th.—No suit will be instituted on the part of Government, in any Civil Court, without the previous sanction of the Sudder Board of Revenue.

Appeals, regular and special, in the Sudder Dewanny Adawlut.

10th.—In all cases of appeal, regular or special, to the Sudder Dewanny Adawlut, whether Government be appellant or respondent, the Board will charge themselves with the conduct of the suit in that Court.

11th.—Under Clause 1, Section 2, Act XV. 1853, notice of *regular* appeal to the Sudder Dewanny Adawlut must be presented to the Court in which the decision was passed, within six weeks from the day of the decision. The Commissioner is authorized to sanction this notice being given, but under circumstances similar to those described in paragraph 8, the Collector should himself prefer it, and report his proceedings for sanction.

12th.—Under Clause 1, Section 5, Act XVI. 1853, a petition of special appeal must be presented, either to the Sudder Dewanny Adawlut, or to the Court in which the decision objected to, was passed, within three months of the date of that decision. This period affords ample time for the submission of a detailed report, through the Commissioner to the Board, who will decide on the expediency of a special appeal, and on the pleas to be urged, if one is considered advisable.

13th.—In *regular* appeals to the Sudder Dewanny Adawlut, whether Government be appellant or respondent, the Collector in his report should always state whether notice of appeal has been given under Clause 1, Section 2, Act XV. 1853, or not, and he should submit the documents noted below:—

Government, Respondent.		*Government, Appellant.*
1.—Authenticated copy of vernacular decision.	-- --	--1.—The same.
2.—English Abstract of the same.	-- -- --	--2.—The same.
3.—Vakalutnameh appointing Government vakeel at the Sudder Court to be counsel.	-- --	--3.—The same.

14th.—As the Board will charge themselves with the conduct of appeals before the Court of Sudder Dewanny Adawlut, it will not be necessary for the Collector to furnish in English or the vernacular, a draft of proposed grounds of objection to the appeal, where Government is respondent, or proposed grounds of objection to the decision, where Government is appellant. But he should submit a report with his opinion generally on the grounds which should be urged under Section 10, Act XV. 1853.

15th.—In *special* appeals to the Sudder Dewanny Adawlut, the Collector must furnish, in addition to the documents named in paragraph 13, an authenticated copy of the decree of the Court of original jurisdiction, as required by Clause 2, Section 5, Act XVI. 1853, together with a report on the grounds of objection, under Section 6, Act XVI. of 1853.

16th.—In all cases of *regular* appeal to the Sudder Dewanny Adawlut, whether Government be respondent or appellant, the vernacular record of the case in the

Collector's office should be forwarded, to avoid the necessity and delay of subsequent references. In *special* appeals the misl need be sent only when an inspection of it is considered absolutely necessary for the elucidation of the case.

17*th*.—Instances have come to the notice of the Board in which the option of appeal has been lost through the neglect of the Collector to give notice of appeal, or secure authenticated copies of decisions, previous to the closing of the Courts, for the Mohurrum and Dusserah vacations. Whenever the term of appeal will expire, during or shortly after the vacations, copies of documents required should be secured, and notice of appeal given by the Collector, as prescribed in paragraphs 8 and 11, before the commencement of the recess.

No. D. D.—*To the Commissioners of Dehlie, Meerut, Rohilcund, Allahabad, Benares, Kumaon and Saugor.—Dated Agra, the* 1*st August* 1854.

The Board direct attention to the distinction to be observed between *wuqf* and *nuzzool* funds by local Agency Committees.

I AM desired by the Sudder Board of Revenue to forward, for the information and guidance of officers in charge of districts in your division, extracts as per margin*, of correspondence which has passed between them and the Government of these Provinces, on the distinction to be observed between *wuqf* and *nuzzool* funds, in the accounts and proceedings of the local Agency Committees.

* Board to Government, No. 437, dated 9th June 1854, paragraphs 3 to 6, Government Order No. 3151, dated 8th July 1854, paragraphs 2 to 4.

2*nd*.—The Accountant, North Western Provinces, has been requested to issue he necessary instructions for opening distinct heads of receipts and disbursements or *wuqf* and *nuzzool* funds respectively, under the general heading of local Agency.

ENCLOSURES.

Extract, paragraphs 3 *to* 6, *of a letter No.* 437, *dated* 9*th June* 1854, *from Secretary Sudder Board of Revenue, to Secretary to Government, N. W. Provinces.*

3*rd*.—The local Agents of Dehlie appear to have made the same mistake as those of Benares formerly, and this is in part attributable to "Local Agency Funds" being the sole heading in the public accounts.

4*th*.—But the agents have two different descriptions of funds under their trust, *wuqf* income is a trust for special purposes, *nuzzool* income by the bounty of the state, is available for general improvements.

5*th*.—The local Agents at Dehlie, as those now do at Benares, should keep accounts, under *wuqf* and *nuzzool*, separate and distinct. There will then be no imputations of *wuqf* funds having been absorbed in the general fund as in the present case.

6*th*.—These precautions observed, the proposition to apply *wuqf* income for the repair of the notable monuments of oriental architecture, on system, and under Sub-Committee's supervision, is judicious.

Extract, paragraphs 2 *to* 4, *of Order No.* 3151, *dated* 8*th July* 1854, *from Secretary to Government, N. W. Provinces, to Secretary Sudder Board of Revenue.*

2*nd*.—In reply I am desired to observe that the principles upon which the Board and the local Authorities propose to proceed in regard to this and similar endowments, as explained in the correspondence now submitted, appear to the Lieutenant-Governor to be correct and appropriate.

3*rd*.—The showing the accounts of the receipts and expenditure of each endowment separately, and the keeping the endowment or *wuqf* accounts quite distinct from the *nuzzool* accounts, will be highly proper. The Board are requested to issue

the necessary instructions on these points for the guidance of all the local Agency Committees.

4th.—The expenditure on each endowment connected with a religious building or institution, should be, as approved by the Honorable Court of Directors, in paragraph 13, of their despatch in the Legislative Department, No. 1, of 16th January 1850, (communicated to the Board with Mr. Secretary Thornton's letter, No. 1186, of 19th April 1850,) "as far as the terms of the several endowments will allow for the preservation and embellishment of the buildings, for improving the approaches to them, and for the general benefit of the vicinity."

No. 4.—*To the Revenue Authorities, North Western Provinces.—Dated Agra, the 22nd August* 1854.

The Board, with the approval of Government, call for annual returns of estates as above.

THE Sudder Board of Revenue request the attention of the Revenue Authorities in the North Western Provinces, to the Rule of Practice and Orders of Government quoted below.

2nd.—The prescribed annual statement for estates, under the Court of Wards, agreeably to the direction in paragraph 112 of the Board's printed Circular No. II., (Appendix VIII., "Directions to Collectors,") relative to the estates under direct management, should be forwarded by you to the Board within fifteen days of the close of the Fuslee year, commencing with 1261 Fuslee.

3rd.—In forwarding this statement, Collectors are required to append remarks respecting the management, the condition of the property, the audit of accounts, the application or investment of surplus, improvements effected or suggested, and in the case of minors, the measures taken for their education and gradual induction to experimental knowledge of the duties which will devolve on them when they attain their majority.

Extract, paragraph 25, *Rules of Practice sanctioned by Government, 3rd March* 1829.

"The Local Commissioners will furnish the Sudder Board annually with an abstract statement, shewing the number of estates under the management of the Court of Wards, within the limits of their respective jurisdictions, with such other particulars relating thereto as shall be required."

Extract, paragraph 20, *of the Sudder Board's Letter to Government, No.* 421, *dated 2nd June* 1854.

Paragraph 20.—"The Board propose, with the approval of Government, to adopt the form, Appendix F.*, to 'landed properties under the management of Government Officers,' and to require the Collectors to submit annual statements in this form, for all estates under the Court of Wards, paying due attention to paragraphs 10 to 12, 81, 110, 121, and 124, of the treatises above-mentioned."

APPENDIX F.*

Statement of trust-holdings in Zillah *for* 1261 *Fuslee.*

Pergunnah.	Mehal.	Demand of the year.	Collections of the year.	Balances.	Charges.	Net Surplus.	Remarks.
1.	2.	3.	4.	5.	6.	7.	8.

Extract, paragraph 8, *of Orders of Government, No.* 969 *A., dated the* 26*th June* 1854.

Paragraph 8.—"The Lieutenant-Governor highly appreciates the efficient administration of the trust belonging to the Court of Wards, and entirely approves the issue of the directions proposed."

No. I. I.—*To the Commissioners of Dehlie, Meerut, Rohilcund, Agra, Allahabad, Benares and Saugor.—Dated Agra, the* 29*th August* 1854.

The Board call for the juma-wasil-bakee of properties under direct management for 1261 Fuslee, and urge its punctual transmission from all districts.

ADVERTING to the approaching close of the Fuslee year 1261, the Sudder Board of Revenue desire that the Collectors of your division may be instructed to submit the juma-wasil-bakee for properties under direct management, for that year, as required by paragraph 112 of the Board's printed Circular II., Appendix VII., "Directions to Collectors."

2nd.—It will be convenient, and save the necessity of detailed explanation, to insert in this statement,—

First.—Properties under attachment for default (koork tehseel) at the close of the year. Temporary attachments relinquished during the year need not be inserted.

Secondly.—Properties under sequestration (kham tehseel.)

Thirdly.—State properties under direct management (khass mehals.)

3rd.—Much delay in the transmission of this statement for the preceding year having occurred in some districts, the Board trust there will, this year, be no exceptions to punctuality.

No. L. L.—*To the Commissioners of Dehlie, Meerut, Rohilcund, Agra, Allahabad, Benares, Kumaon and Saugor.—Dated Agra, the* 5*th September* 1854.

The Board, with reference to the printed Circular No. III., paragraph 78, and Circular Order No. II., dated 6th January 1852, direct the discontinuance of the half-yearly Statement of Work performed by Deputy Collectors under Regulation IX. 1833.

Government orders No. 3577, dated 16th August 1854.

I AM desired by the Sudder Board of Revenue, with reference to paragraph 78 of the printed Circular No. III., and their subsequent Circular Order, No. 2, dated 6th January 1852, (page 46, Acts and Orders) to forward extracts of the correspondence noted in the margin*, regarding the half-yearly statement of the nature of the work performed by the Deputy Collectors under Regulation IX. 1833.

2nd.—You will observe that His Honor the Lieutenant-Governor has sanctioned the discontinuance of this return, which need not be again submitted from your division.

3rd.—The Collectors of districts should be careful in their annual reports of revenue administration, to indicate the departments in which officers of this class have been employed, their special deputations (if any), and the mode in which each has acquitted himself in the performance of his duties.

Extract of Government Orders, No. 3577 *of* 1854, *dated* 16*th August* 1854.

I AM directed to inform you, that the Honorable the Lieutenant-Governor agrees with the Board, that the half-yearly Report of work performed by Deputy Collectors under Regulation IX. of 1833 should be discontinued for the reasons assigned in your letter, No. 560, dated 28th ultimo, and authorizes its discontinuance accordingly.

No. N. N.—*To the Commissioners of Dehlie, Meerut, Rohilcund, Agra, Allahabad and Benares.—Dated Agra, the 8th September* 1854.

Board, in continuation of their Circulars No. 2, dated 4th February 1842, and C., dated 10th February 1843, enjoin punctuality in the submission of account-sale statements, and annual sale registers, and prescribe new forms for proposed sale and account-sale statements of rights and interests.

THE Sudder Board of Revenue, in paragraph 21 of their Circular No. 2, dated 4th February 1842, directed the Commissioners of Divisions to submit, as soon as practicable after sales of land for arrears of revenue became final, statement of such sales; and prescribed the forms given below for proposed sale, and account-sale statements. The Commissioners were further instructed to furnish, for each district, an annual register of such sales, in the same form as the account-sale statement, to be made up according to the calendar year, and submitted to the Board before the close of January *in the year following.*

Statement of lands proposed for sale in Zillah *for arrears of Revenue.*

Pergunnah.	Mehal.	Names of proprietors, and nature of tenure.	Juma.	Particulars of Balance.				Collector's report of the balance, and reasons for proposing sale.	Remarks by Commissioner.
				Year.	Month of Kist.	Amount.	Total.		
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.

Account sale of lands in Zillah *for the recovery of arrears of Revenue.*

Pergunnah.	Mehal.	Names of proprietors and nature of tenure.	Juma.	Particulars of Balance.				Sale price, and date of payment.	Names, place of residence, and profession, of purchasers.	Date of Sudder Board's authority for sale.	Date of sale.	Date of certificate of sale.	Whether sale was appealed, and how disposed of.	Remarks.
				Year.	Month of Kist.	Amount.	Total.							
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.	14.	15.

2nd.—An additional memorandum of sales sanctioned, but not enforced within the year, to be drawn up according to the subjoined form, and submitted with the sale register, was prescribed in their subsequent Circular C., dated 10th February 1843:

Pergunnah.	Mouzah.	Date of Board's orders.	How disposed of.
1.	2.	3.	4.
			If the estate was farmed or transferred, the number and date of Commissioner's Report to the Board, to be given.

3rd.—The Board have found that these account-sale statements are, frequently, not submitted till long after the sales have become final, and that the annual sale registers, with the supplemental returns above described, are almost invariably delayed to the second, or even the third quarter of the year following.

4th.—The object of these returns is lost if they are not punctually furnished, and the Board therefore request, that you will instruct the Collectors of your division, in every case of sale, to forward the account-sale statements immediately on the process becoming final, and to hold one of the native omlah responsible for its timely preparation, and the head clerk of the English office for its translation and despatch without delay.

5th.—The annual sale register of each district, with the supplemental memorandum, (which should never be omitted, as it is required in the Board's office to check the entries in the sale register,) should reach your office at latest by the close of February, and the Board expect to receive it by the end of March. As this extends the period for the preparation and transmission of these returns from one month to three, the Board trust that they will not have occasion to notice unpunctuality. The term prescribed is ample to ensure the deliberate and accurate compilation and examination of the returns, which should be submitted collectively for your division by the date prescribed. But in the event of any returns being then overdue, the remainder may be forwarded, and explanations required from the Collectors in arrear. These explanations should be sent to the Board for the information of Government, as His Honor the Lieutenant-Governor has required the Board to forward their own return with greater punctuality.

6th.—No change, you will observe, is to be made in the form of the account-sale statement, and sale register, or in that of the supplemental memorandum of sales. This latter document, and the sale register, apply only to sales of lands and estates for their own arrears; but the account-sale statements are equally required when rights and interests in land, or real property, are sold on account of arrears of land revenue, or other demands realizable in the same manner, and should be submitted with equal punctuality.

7th.—The Board take this opportunity of modifying the forms prescribed in their Circular No. 2, dated 4th February 1842, already quoted, for proposed sale statements, and account-sale statements of *rights* and *interests*. An additional column, to specify distinctly the names of the parties whose rights and interests are to be, or have been sold, is required, as column 3 is intended to show the names of the parties to

whom the estate or real property belongs, and the rights and interests of *all* of whom may not be in question. The forms which will stand thus, will be added to the sanctioned list.

Statement of rights and interests proposed for sale in Zillah for arrears of

Pergunnah.	Mehal.	Names of proprietors and nature of tenure.	Names of parties whose rights and interests are proposed for sale.	Juma.	Particulars of Balance.				Collector's report of the balance, and reasons for proposing sale.	Remarks by Commissioner.
					Year.	Month of Kist.	Amount.	Total.		
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.

Account sale of rights and interests in Zillah for the recovery of arrears of Revenue.

Pergunnah.	Mehal.	Names of proprietors and nature of tenure.	Names of parties whose rights and interests have been sold.	Juma.	Particulars of Balance.				Sale price and date of payment.	Names, place of residence, and profession, of purchasers.	Date of Sudder Board's authority for sale.	Date of sale.	Date of Certificate of sale.	Whether sale was appealed, and how disposed of.	Remarks.
					Year.	Month of Kist.	Amount.	Total.							
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.	14.	15.	16.

8th.—To avoid prolixity in the statements, whether of proposed sale or account-sale, and whether of lands sold, or proposed for sale for arrears of revenue due on account of the same, or of rights and interests, the names of *all* the proprietors of the mehal need not be entered in column 3, where they are numerous, but simply the names of two or three, and the total number thus:—"Jewun Sing, lumberdar, Ramsookh and 14 others, putteedars." But in sales of rights and interests the names of all the parties whose rights and interests are to be, or have been, sold, should appear in column 3, and also, as above explained, in column 4.

9th.—You will further instruct the Collectors of your division in all cases in which the mehal exposed to sale has been bought by Government, to supply as soon as possible, a separate narrative in each case, showing the previous history of the estate, with full details of former settlements, balances, remissions and revisions of juma, sales, farms or transfers, together with a return of the cultivated and culturable area as compared with the status at settlement. The Collector should describe the condition of the estate, the prospects of the current season, and the measures adopted and contemplated for the improvement of the estate under direct management, or the disposal of it, by lease or otherwise. But the preparation of this report should not delay the submission of the account-sale statement immediately on the sale becoming final.

10th.—The instructions contained in the Board's Circular No. 3, dated 2nd May 1845, and No. 11, dated 2nd July 1847, will continue to be attended to in all cases of sale under Act I. 1845. The rules laid down in the latter Circular are frequently neglected, when sale is proposed, especially the submission of Nos. II. and III., village statements prescribed in Rule 6.

No. 5.—To all Commissioners and Collectors, North Western Provinces.—Agra, the 22nd September 1854.

Board cancel their Circulars No. 2, dated 30th March, and No. 27, dated 3rd December 1847, and prescribe an annual report on the condition of the rain-gauges in each district to be submitted by Collectors, and a divisional abstract to be furnished by Commissioners.

THE Sudder Board of Revenue direct the attention of all Commissioners and Collectors to the enclosed extract, paragraphs 1 to 5, of their address to Government, No. 616, dated 18th August 1854, the issue of which as a Circular has received the sanction of His Honor the Lieutenant-Governor.

2nd.—The report on the condition of the rain-gauges of each district, required quarterly by Circular No. 2, dated 30th March 1847, and made half-yearly according to the calendar year by Circular No. 27, dated 3rd December following, will, for the future, be submitted annually according to the same year, so as to reach the divisional office by the 15th February at latest.

3rd.—From the district returns a divisional statement in the same form will be compiled, which the Board expect to receive by the 15th March at latest. This divisional abstract has been prescribed, because the figured entries are few, and the remarks will, as a general rule, be brief for each district. The labor therefore of compilation will be slight, and the return of the original statements to the divisional offices, which burdens the Post Office, and adds to the number of letters and dockets issued by the Board, will be avoided.

4th.—The first divisional statement will be more elaborate than its successors, as it should contain the information, noted in paragraph 5 of the Board's address, of the number and condition of all pluviometers and rain-gauges, distinguishing those made of copper in each district.

5th.—The Board trust that the statements now prescribed will be punctually submitted, as ample time has been allowed for compilation in the Collectorate and divisional offices.

6th.—The Circulars* above quoted may be considered cancelled by the present orders, but, as the instructions contained in paragraphs 3 to 6 of the former Circular are valuable and unaffected by the alteration made in the period for which the returns are to be submitted, they are quoted below for facility of reference.

* No. 2, dated 30th March 1847.
No. 27, dated 3rd December 1847.

Extract, paragraphs 3 *to* 6, *of Circular Order No.* 2, *dated* 30*th March* 1847.

Paragraph 3rd.—The simplest mode of procuring the desired information, is for the Collector to call upon the Officer in charge of each gauge, to state the necessary particulars in the column of Remarks in every monthly Register. By this officer is not meant the mohurrir, who records the fall of rain, but the head of the office, viz. the Tehseeldar or Thannahdar, who should subject the instrument to the necessary tests in his own presence. Any repairs should be noted in the same place and manner.

4th.—The Collector, or other Officers who may visit the interior of the district, should be desired to take the opportunity for examining the condition of the gauges, and the Commissioners should see, upon their annual tours, that these instructions are properly acted up to.

5th.—A few spare gauges, according to the extent of the district, should be kept at each Sudder station, to supply the place of those which may go out of order. When repairs are required, particular caution should be exercised, to see that they are made by a proper workman, and that the original proportions are not altered in the process. Care should be taken that the rods are properly marked off, and where a float is not used, paint, or any oily substance, which renders it difficult to follow the trace of the water, should be avoided.

6th.—The Board desire to enjoin the greatest care and accuracy in the carrying out of these rules, and in the general preparation of the registers. Where the information contained in these meteorological statements is correct, it may prove of inestimable value in cases of drought or famine, but where erroneous, by leading to wrong conclusions, it may inflict a positive injury.

Extract, paragraphs 1 *to* 5, *of a letter from Secretary to the Sudder Board of Revenue, North Western Provinces, to the Secretary to the Government, North Western Provinces, dated* 18*th August* 1854, *No.* 616.

Paragraph 1st.—The Sudder Board of Revenue, in their Circular No. 2, dated 30th March 1847, approved by Government Order No. 1510, of the same date, prescribed a quarterly report on the condition of the rain-gauges in these provinces, to be submitted in the form enclosed.

Appendix A.

2nd.—This return was made half-yearly by the Board's subsequent Circular, No. 27, dated 3rd December 1847, approved by Government Order No. 4019 A., dated 18th October preceding. The return was called for half-yearly, according to the calendar year.

3rd.—Much care and attention have been devoted to these instruments. Most of the old tin gauges have been re-placed by copper ones, which are less liable to be bent or corroded, and pluviometers of an improved description have been furnished to most of the Sudder stations throughout the provinces. Copper rain-gauges have also been supplied of late to several districts of the Saugor Division, where they were wanting, and there, as elsewhere, a sufficient number are always kept in store to meet emergencies.

4th.—The Board recommend that the return be made annual, according to the calendar year. They would propose that each Collector should submit the return of his district for the past year by the 15th February at latest, and that each Commissioner should compile and submit a divisional return by the 15th March following. This will afford time for the issue and execution of orders for the purchase of new, or the repair of old instruments, before the commencement of the rains.

5th.—The form of the statement may remain unchanged. A note of repairs or purchases made within the year, will be shewn in the column of remarks, and in the first set submitted, a complete detail of pluviometers, copper and tin gauges, may be furnished once for all, for reference, as all new gauges will be of copper, and pluviometers are suitable for Sudder stations only.

Half-yearly Report on the state of the Rain-Gauges.

District.	Number of Gauges.				Remarks.
	At Sudder Station.		At Tehseeldarees.	At Thannahs.	
	In use.	In store.			

No. 6.—*To all Commissioners and Collectors, North Western Provinces.—Dated Agra, the 29th September* 1854.

In modification of paragraphs 46 and 47 of the printed Circular No. 2, and Circular 13, dated 30th December 1851, Board prescribe quarterly returns of summary suits in first instance and appeal, and annual returns of summary suits in appeal, the latter to be submitted with the Revenue Administration Reports.

The Sudder Board of Revenue desire to call the attention of all Commissioners and Collectors to the accompanying extracts, paragraphs 2, 6, 7, 8 and 11 of their address to Government, No. 632, dated 22nd August, and paragraphs 2 and 3 of the orders of Government, No. 1769 A., dated 16th September 1854, received in reply.

2nd.—It will be observed that the rules contained in paragraphs 46 and 47 of the printed Circular No. II., and in the subsequent Circular, No. 13, dated 30th December 1851, so far as relates to the submission of returns of summary suits, (in first instance and in appeal) to the Board, have been modified.

3rd.—The Collectors of districts will continue to furnish to the Commissioners of their respective divisions, the monthly and quarterly statements of suits in first instance, prescribed by paragraphs 46 and 47 of the printed Circular No. II., as also the monthly and quarterly returns of appeals in summary suits called for by Circular No. 13, dated 30th December 1851. The forms of these statements are subjoined for facility of reference.

Monthly Report of Summary Suits in Zillah *for the month of* 18 .

Name and designation of officer.	Remaining at the close of last month.			Entered during the month.			Total.			Decided on their merits.			Adjusted or withdrawn.			Total.			Remaining at the close of the month.			Date of oldest case remaining on the file at the close of the month.	Remarks.
	Suit for rent, revenue, or replevin.	Exaction.	Ouster.	Suit for rent, revenue, or replevin.	Exaction.	Ouster.	Suit for rent, revenue, or replevin.	Exaction.	Ouster.	Suit for rent, revenue, or replevin.	Exaction.	Ouster.	Suit for rent, revenue, or replevin.	Exaction.	Ouster.	Suit for rent, revenue, or replevin.	Exaction.	Ouster.	Suit for rent, revenue, or replevin.	Exaction.	Ouster.		
	And the same quarterly, *mutatis mutandis.*																						

Abstract of Summary Suits appealed to the Collector for the month of 18 .

Remaining at the close of last month.			Appealed during the month.			Decided during the month.			Remaining at the close of the month.			Statement of cases pending above a month.
Rent, revenue, or replevin.	Exaction.	Ouster.	Rent, revenue, or replevin.	Exaction.	Ouster.	Rent, revenue, or replevin.	Exaction.	Ouster.	Rent, revenue, or replevin.	Exaction.	Ouster.	
			And the same quarterly, *mutatis mutandis.*									

4th.—But of these statements, only those furnished quarterly should be submitted to the Board, who no longer desire to receive the monthly returns.

5th.—The Commissioners of Divisions, together with the quarterly Collectorate statements, will furnish the statement of appeals preferred to them, which is prescribed by paragraph 47 of the printed Circular No. II., and the form of which is subjoined:

Quarterly Report of Appeals in Summary Suits for rent, for the division of

Depending at the close of last quarter.			Entered during the quarter.			Total.			Decided on their merits.			Adjusted or withdrawn.			Total.			Remaining at the end of the quarter.			Number of applications for appeals made and rejected during the quarter.			
Suits for rent, revenue, or replevin.	Exaction.	Ouster.	Suits for rent, revenue, or replevin.	Exaction.	Ouster.	Suits for rent, revenue, or replevin.	Exaction.	Ouster.	Suits for rent, revenue, or replevin.	Exaction.	Ouster.	Suits for rent, revenue, or replevin.	Exaction.	Ouster.	Suits for rent, revenue, or replevin.	Exaction.	Ouster.	Suits for rent, revenue, or replevin.	Exaction.	Ouster.	Suits for rent, revenue, or replevin.	Exaction.	Ouster.	REMARKS.

6th.—And with reference to paragraph 3 of the orders of Government already quoted, the following additional returns should be submitted with the annual Revenue Administration Report.

No. III. B.

Statement of Summary Suits appealed to the Collector during the year 18————.

Years.	Instituted.				Decided.				Adjusted or withdrawn.			
	Suits for rent, revenue, or replevin.	Exaction.	Ouster.	Total.	Suits for rent, revenue, or replevin.	Exaction.	Ouster.	Total.	Suits for rent, revenue, or replevin.	Exaction.	Ouster.	Total.
	To be furnished for each District.											

No. III. C.

Statement of Summary Suits appealed to the Commissioner during the year————.

District.	Instituted.				Decided.				Adjusted or withdrawn.			
	Suits for rent, revenue, or replevin.	Exaction.	Ouster.	Total.	Suits for rent, revenue, or replevin.	Exaction:	Ouster.	Total.	Suits for rent, revenue, or replevin.	Exaction.	Ouster.	Total.
	To be furnished for each Division.											

7th.—All the forms above prescribed, which are not already on the Board's list of printed sanctioned forms, will be added to it.

8th.—The quarterly statements should be furnished according to the calendar year, and should reach the divisional offices within one month, and the Board within two months of the close of the quarter. They will therefore be due in this office on the 31st May, 31st August, 30th November, and 28th February at latest, and the Board hope to receive them punctually.

Extract, Paragraphs 2, 6, 7, 8 *and* 11, *of a letter from Secretary to the Sudder Board of Revenue, North Western Provinces, to the Secretary to the Government, North Western Provinces, dated* 22*nd August* 1854, *No.* 632.

Paragraph 2*nd.*—The Board receive from all the divisions and districts under their control, monthly and quarterly statements of summary suits, instituted, disposed of, and pending before each officer; statements of appeals in such suits, instituted, disposed of, and pending before Commissioners of Divisions ; and similar statements of appeals in such suits before Collectors of districts. The two former returns are prescribed by paragraphs 46 and 47 of the printed Circular No. 2, and the latter by Circular Order No. 13, dated 30th December 1851, (page 49, Acts and Orders.)

6*th.*—The monthly and quarterly statements were called for by the Board at a time when this department of a Collector's duty was much neglected. But the system founded on Section 2, of the printed Circular No. II., has been well established, and is understood throughout these Provinces. The same minute supervision by the Board appears to be no longer necessary, and may safely be left to the Commissioners of Divisions, who can issue immediate orders as regards each district on monthly returns, which seldom reach the Board for a whole division till the close of the second, or even the third month following.

7*th.*—And it is observable that neither the monthly nor quarterly statements submitted to the Board, nor the annual abstracts furnished to Government, have, (except in very rare instances, and at long intervals,) elicited orders of late years.

8*th.*—Under these circumstances the Board propose, with the sanction of Government, to direct the discontinuance of all the monthly statements submitted to them, retaining the quarterly statements as at present.

11*th.*—The Board consider that the Collectors of districts should continue to submit monthly returns of suits in first instance, and appeals preferred to them as at present to the Commissioners of Divisions, who should carefully examine them, and notice any instances of delay.

Extract, Paragraphs 2 *and* 3, *of a letter from Secretary to Government, North Western Provinces, to the Secretary to the Sudder Board of Revenue, North Western Provinces, dated* 16*th September* 1854, *No.* 1769 *A.*

Paragraph 2*nd.*—In reply, I am desired to state that the Lieutenant-Governor entirely approves the proposal of the Board to discontinue the monthly returns of summary suits now submitted to them, retaining only the quarterly statements.

3*rd.*—In respect to the statements of summary suits rendered by the Board to the Government, the Lieutenant-Governor remarks, that it will be sufficient if, to the Statement III. submitted with their annual Revenue Administration Report, the Board add an abstract, showing the result of the cases appealed in each district and division.

No. 7.—*To all Commissioners, North Western Provinces—Dated Agra, the 6th October* 1854.

Board abolish quarterly return of complete divisions prescribed by their Circular No. 10, dated 31st October 1851, and call for an annual return in the form given in their Circular Order No. 1, dated 17th January 1854.

THE Sudder Board of Revenue, with the sanction of His Honor the Lieutenant-Governor, direct attention to paragraphs 2 to 6 of their address to Government, No. 598, dated 11th August 1854.

2nd.—The quarterly return of complete divisions prescribed by the Board's Circular, No. 10, dated 31st October 1851, is abolished, and Commissioners will submit annually, according to the official year, a statement of complete divisions confirmed within the year in the districts under their control.

3rd.—This statement should be compiled in the divisional offices by copying in order (with the addition of the Commissioner's resolution in red ink) the tabular reports of individual cases submitted by Collectors under the provisions of the Board's Circular Order No. 1, dated 17th January 1854. The form of those reports is given below as Appendix A. of the Board's address to Government. The names of the several districts will be entered in order across the general abstract as headings.

4th.—This statement should be filled in gradually as the returns of the several cases are received, and there need therefore be but little delay in the submission of it to the Board, who hope to receive it by the 15th June at latest.

Extract, paragraphs 2 *to* 6, *of a letter from the Secretary, Sudder Board of Revenue, North Western Provinces, to the Secretary to Government, North Western Provinces, dated* 11*th August* 1854, *No.* 598.

Acts and Orders, 1851, page 48.

Paragraph 2nd.—A quarterly divisional statement in the form enclosed, Appendix B., was prescribed by the Board's Circular No. 10, dated 31st October 1851, to be submitted according to the quarters of the official year.

3rd.—The Board's subsequent Circular No. 1, dated 17th January 1854, was drawn up, under the intructions of Government, to make clear the distinction between imperfect partitions, and complete divisions of states. In that Circular a form (Appendix A.) was prescribed for the report of complete divisions of estates to be furnished in each case by the Collector to the Commissioner of the Division. This form answers well; it enables the Commissioner to maintain efficient control in this department, and in a great measure obviates the necessity of transmitting returns of complete divisions at short periods to the Board.

4th.—The main object of the supervision of the latter is to see that the interests of the Government are duly guarded, and the ample margin of ten years for the correction of error, allowed by the Regulations, prevents any risk in the substitution of an annual for a quarterly return to this office.

5th.—Regulation XIX. 1814, Section 31, prescribes a register of complete divisions. The Board propose to direct the Commissioners to submit this in the shape of a copy of the Collector's statements confirmed during the official year, with their resolutions therein transcribed in red ink.

6th.—This annual return, in the form enclosed, (Appendix A.) will be made divisional by writing the name of each district in succession as a heading across it, and being prepared according to the official year, will tally with Appendix V. of the Revenue Administration Report. The Board solicit sanction to issue the necessary orders.

APPENDIX A.

Statement of partition effected under Regulation XIX. of 1814, *prepared with reference to Section* 19 *of that enactment in Zillah* ————.

Number.	Pergunnah.	Mouzah.	Names of Malgoozars recorded in Settlement Register.	*Area in Acres recorded in Settlement Register.*						*Rates per Acre.*			*New Mehals.*			Name of Proprietors.	*Area in Acres according to the measurement of the Ameen.*						Average collections of the past three years.	*Rates per Acre.*			Remarks.
				Total area.	Culturable waste, and lately abandoned.	Cultivated.			Juma.	On total area.	On malgoozaree area.	On cultivated area.	Number.	Name.	Fractional share.		Total area.	Culturable waste, and lately abandoned.	Cultivated.			Juma.	On total area.	On malgoozaree area.	On cultivated area.	
						Irrigated.	Unirrigated.	Total.	Total malgoozaree area.										Irrigated.	Unirrigated.	Total.	Total malgoozaree area.					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30

APPENDIX B.

Statement of Partitions under Regulations XIX. of 1814 *and IX. of* 1811, *sanctioned by the Commissioner of*

during the *Quarter of* 185 .

No. of Case.	District.	Pergunnah.	Name of Village.	Juma.	Area.						Rates.			New Mehals.			Juma.	Area.						Rates.			Remarks.
					Total.	Culturable, but waste, and lately abandoned.	Cultivated.			Total malgoozaree.	On total area.	On malgoozaree area.	On cultivation.	Number.	Name.	Fractional share.		Total area.	Culturable, but waste, and lately abandoned.	Cultivated.			Total malgoozaree.	On total area.	On malgoozaree area.	On cultivated area.	
							Irrigated.	Unirrigated.	Total.											Irrigated.	Unirrigated.	Total.					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28

No. 8.—*To all Commissioners and Collectors, North Western Provinces.—Dated Agra, the 10th October* 1854.

THE Sudder Board of Revenue, with reference to paragraph 114 of their printed Circular No. II., direct attention to the propositions submitted in their address to Government, No. 665, dated 5th September 1854, copy of which is subjoined. These propositions have received the sanction of Government.

With reference to paragraph 114 of printed Circular No. II., Board call for half-yearly, instead of quarterly returns.

2nd.—Collectors will continue to submit, according to the calendar year, quarterly returns of revenue defaulters in confinement, in the annexed form, in which no change has been made. These returns should reach the Commissioner of the division within fifteen days of the close of the quarter.

District.	Name of Prisoners.	Cause of Confinement.	Date at which confined.	For what duration.	REMARKS.

3rd.—Divisional statements, compiled from these, should be furnished half-yearly, also according to the calendar year, to the Board, who hope to receive them within thirty days of the close of the half year. The first divisional statement should be prepared for the half year ending 31st December 1854.

Copy of a letter from the Secretary to the Sudder Board of Revenue, North Western Provinces, to the Secretary to Government, North Western Provinces, dated 5th September 1854, *No.* 665.

Among the quarterly returns received by the Sudder Board of Revenue, is the statement of revenue defaulters, in confinement at the instance of the Collector of the district, which was prescribed by paragraph 114 of the printed Circular No. II., and is submitted quarterly, according to the calendar year.

2nd.—From the wording of the paragraph quoted, it is clear that the former Board did not consider this return of much use, but called for it quarterly, out of deference to the instructions given in paragraph 15 of the rules of practice, dated 3rd March 1829.

3rd.—Imprisonment for default is resorted to but seldom, and only in the exceptional cases of individuals, who, having embezzled the assets of their estates, are able, but fraudulently refuse, to meet the just demands of Government, and from their means and position, are likely to pay up under personal restraint.

4th.—Under these circumstances, the Board would recommend that quarterly reports be submitted as usual by Collectors to Commissioners, but that the statements compiled by the former, for transmission to the Board, should be half-yearly, according to the calendar year

5th.—The half-yearly returns from the Collectors can easily be compressed into a divisional statement, and the public post will thus be relieved of unnecessary burdens.

No. 9.—*To the Commissioners of Dehlie, Meerut, Rohilcund, Agra and Allahabad.—Dated Agra, the 13th October* 1854.

THE Sudder Board of Revenue desire that the prescribed annual reviews of operations respecting alluvion and diluvion during the past season, may be submitted for the districts to which the Circular Orders, noted in the margin*, refer, without delay.

With reference to paragraphs 8 and 9 of Circular Order No. 16, dated 19th September 1848, and paragraph 10, Circular Order S., dated 2nd September 1853, Board lay down rules for the submission of annual reports on the inspection of estates affected by fluvial action.

* Circular Order, Sudder Board of Revenue, No. 16, 19th September 1848, paragraphs 8 and 9.
(Appendix XXII., Directions to Collectors,) Idem S. 2nd September 1853, paragraph 10.

2nd.—It is necessary that an annual review of these operations should be submitted, as no provision has been, or can conveniently be, made for its insertion in the report, and statements of revenue administration; and although existing rules imply that such operations should terminate, and the Collectors' review of them be submitted by the close of the official year, this has not, in all cases been found practicable, especially where, in the absence of any compact for revisions, the right of Government to assess alluvial increment involves a preliminary judicial investigation.

Regulation XI. 1825, Section 4, Clause I.

3rd.—It will thus be more convenient to compile and submit this annual review according to the season; that is, the interval between the cessation and re-commencement of the rains.

The Collectors' review need be only brief; it should note—

1.—*Inspection.* The pergunnah or pergunnahs, whose term of inspection has been fixed by the quinquennial scheme, the inspection by whom conducted, and verified or revised.

2.—*Alluvion.* A marginal list of estates in which the increment has been such as to justify interference, the extent of increment, and increase of juma, with dates of summary settlement statements submitted.

3.—*Diluvion.* A similar marginal list of estates which have suffered from diluvion to such an extent that remission is necessary, the extent of the land absorbed, and the amount of juma to be remitted, with dates of summary settlements.

4.—*New Mehals.* If any formed by the operation of the river, with the same particulars.

5.—*Financial result.* The general result, increase of juma on the one hand, and abatement on the other, for the operations of the season, irrespective of the date from which either take effect, as this information is contained in the summary settlement statements previously despatched, or annexed to the review.

6.—Any special observations.

4th.—Your own report, forwarding these annual reviews, need only contain your remarks on the mode in which this duty has been performed, and advertence to such points as you deem worthy of notice. The numbers and dates of your reports to the Board in each case should be noted.

5th.—The reviews should in future be submitted collectively for the whole division, so as to reach the Board by the 15th August, and you are requested to bring to notice, any Collector who delays his report beyond 30th June.

No. 10.—*To all Commissioners and Collectors, North Western Provinces.—Dated Agra, the 24th October* 1854.

Board discontinue the half-yearly return of Treasure Tumbrils, (Circular Order "B." dated 2nd February 1849,) and direct attention to Circular Order of this date.

THE Sudder Board of Revenue, with the sanction of the Government of these Provinces, are pleased to direct the discontinuance of the half-yearly statement of Treasure Tumbrils, prescribed by their Circular B., dated 2nd February 1849, (Acts and Orders, page 45.) The return is no longer required.

2nd.—The Board further direct attention to their Lithographed Circular Q. Q. of this date, calling for detailed information regarding treasure tumbrils and treasure chests.

No. 11.—*Notification.—Revenue Department.—Dated Agra, the 24th October* 1854.

Board publish for the information of all Revenue authorities the accompanying rules for the adjustment of claims to compensation on account of lands appropriated for railway purposes in the North Western Provinces.

THE Sudder Board of Revenue publish, for the information of all Revenue authoties, the accompanying rules for the adjustment of claims to compensation on account of land appropriated for railway purposes in these provinces. The rules have received the sanction of Government.

Rules for the adjustment of claims to compensation, on account of lands appropriated for Railway purposes.

THE orders of Government have assigned the principal duty connected with the appropriation for the Railway to a Tehseeldar. It is desirable that this officer should be the Tehseeldar of the Circle through which the line will pass, as it may be supposed he will have more local knowledge, and influence, than an officer only temporarily employed. During his absence from tehseel duties, these may be assigned to an officer in the same capacity acting for him, who should be desired to render him every assistance.

2nd.—The Tehseeldar on deputation will have the mirdahas, and such other of the tehseel establishment as can be spared, in attendance, and the canoongoe of the pergunnah should also accompany him. It may in some cases be necessary to employ ameens for measurements, and in such cases the usual charge of 1 Rupee per hundred beegahs may be allowed, with eight annas per hundred beegahs for completion of papers.

3rd.—The Tehseeldar's first duty is to accompany the Engineer through his jurisdiction, giving timely notice to the Tehseeldar of the Circle in advance, that he may be in readiness to attend the Engineer when he arrives.

4th.—The Engineer employed in setting out the central line and the exterior lines on either side has authority to remove obstacles, crops, huts, trees, &c., settling and paying compensation to the owners. But in this preparatory operation, it may in a few exceptional cases, be necessary to defer the adjustment, and in all such cases the Tehseeldar will be careful to take a note, and frame an estimate of the loss sustained by parties, with particulars regarding ownership, to be adjusted hereafter.

5th.—He will be careful to see that no opposition or resistance is allowed in laying down the lines. The Railway is not a carriage road, which in some special cases

may be allowed to deviate from the direct line, on account of the value of property or the claims of individuals. No class interests can be allowed to interfere with a national undertaking. Any attempt at resistance by force, intimidation or the like, should at once be suppressed by the Tehseeldar, who will now have always the powers of chief Police Officer, or, if necessary, be reported to the Magistrate.

6*th*.—The Engineer will be followed by the Surveyor, who will make a professional survey of the space indicated by the Engineer, and the Tehseeldar must at the same time prepare his record separately. He will have the settlement khusreh, shujrah and other records of each mouzah, to refer to, and will carefully test the accuracy of the entries.

7*th*.—This record will be compiled on the spot, and will consist of three registers, mouzahwar and mehalwar, in the forms annexed, 1, 2, 3. Register No. 1 is for malgoozaree land; No. 2 for mauf or lakhiraj lands recognized by Government; No. 3 for abadee, trees, gardens, houses, wells, &c., not included in Nos. 1 and 2.

8*th*.—In Register No. 1, it will be observed that there are two sets of numbers, one is the Tehseeldar's own number in a regular series, the other the number in the settlement khusreh and field map. Every field or plot of ground, whether cultivated, fallow, waste, or barren, must have a separate Tehseeldar's number, and as far as the settlement record admits, the settlement number should be inserted, or the number in the village papers; but in many cases no numbers were affixed at the time of settlement to waste plots, many of which have since been cultivated. The greatest care must be taken in filling up the several columns accurately, for each number, according to the directions inserted, and care should be taken to draw upon the field map of the settlement record, lines showing the limits of the land to be taken up. This register is for malgoozaree estates.

9*th*.—Register No. 2 is in the same form, but is intended for mauf tenures recognized by Government, as the principle on which compensation will be awarded differs from that to be observed in malgoozaree estates.

10*th*.—Register No. 3 is for houses, wells, tanks, buildings, orchards, trees which will have to be appropriated or removed, and for which compensation will have to be paid.

11*th*.—A fourth register is of certificates, which it will be the duty of the Tehseeldar to award to parties entitled to compensation, and which will, after due approval, be vouchers for payment to the recipients at the treasury, at the tehseeldaree, or at the Sudder station, as the Collector may determine. The Tehseeldar's numbers in this register will correspond with those in Nos. 1, 2 and 3.

12*th*.—For determining compensation for land or other property appropriated for public purposes, the law gives sanction to either of two modes,—adjustment by private negotiation, or by award of arbitrators formally convened. With a little tact and management, almost every question can be disposed of by the former method.

13*th*.—The Tehseeldar should call the parties together, and settle the matter on the spot. He should take the aid of two or three respectable residents not of the estate itself, but the neighbourhood, to assist as advisers and appraisers, and as each adjustment is made, should take a "razeenamah" from the parties entitled to compensation, furnishing in lieu a certificate, *mutatis mutandis*, in the same terms. The assurance of ready money payment, and an open fair negotiation, will enforce despatch.

14*th*.—The proceedings of each day in effecting these adjustments should be incorporated in a "roobakaree" for record, and for reference in case any claim or question may arise, which must be submitted to formal arbitration.

15*th*.—Where resort to this method is unavoidable, the Tehseeldar will forward a report to the Collector, with the names of arbitrators, who should be selected on the

part of Government, and on receipt of orders will issue instructions to one or two on the part of Government, and the same number on the part of the claimants, to elect an umpire, and proceed to settle the dispute. If the arbitrators cannot agree about the nomination of an umpire, the Tehseeldar should select one.

16*th*.—When arbitrators are convened, all assistance should be given them to effect a speedy decision, in adducing evidence, furnishing information, enabling measurements to be made, if necessary, in compelling attendance of parties and witnesses, and drawing up the award.

17*th*.—Care must be taken against any systematic employment of the same parties as aid in private negotiations, or as arbitrators in formal arbitration, otherwise individuals will consider the office as one that should yield emoluments, and intrigues and other mischief will ensue.

18*th*.—In malgoozaree estates the first step after the appropriation and registration of the land is to determine the amount of juma which should be suspended. The rates on cultivation and malgoozaree area being known, there will be no difficulty in settling this amount, avoiding fractions of rupees; and notice of this should be immediately reported to the Collector, that he may instruct the officer in charge of the tehseeldaree to suspend the demand at once.

19*th*.—The next step is to adjust with the proprietors for the loss of profits, and the usual tender of ten per cent. additional should be made, and if accepted, an additional suspension should accordingly be made of juma for ultimate remission. If this rate be exceeded in any case, satisfactory reasons should be given, but, as a general rule, it will be better to adhere to that rate as far as regards reduction of juma, and to compound, where the parties assent to such arrangement, for any just and proper excess by a ready-money payment. By Clause 3, Section 6, Regulation I. 1824, the Government has reserved to itself the power of determining what proportion of compensation due to the malgoozar has to be made good in the shape of remission, and under existing rules, this is not to exceed the juma calculated at settlement rates on the land appropriated, and ten per cent. in addition. But it will often happen that larger profits will be extinguished by the appropriation, and though it is not advisable to lower the district rent-roll by further reduction of juma, it will be just to compound to the proprietors for the loss which the remission authorized will not cover, by a suitable ready-money payment, which will be less, or more, according to the extent of the land and profits derived from it. The rule adverted to does not affect the primary rule of estimating and paying the fair value.

20*th*.—The proprietor's is not, however, in all cases, the sole interest in the land; it may be held by tenants with varying rights of occupany, or by persons privileged to be exempt from rent by village custom, or the land may be part of the provision assigned for the rural police, and it is only just that compensation should be afforded for the interests which will be sacrificed. The Tehseeldar aided, as above shown, by competent appraisers, should fix the fair compensation payable to all parties entitled. After adjusting with proprietors, he will find no difficulty in settling with tenants and others in an inferior position.

21*st*.—With regard to the tenures of non-proprietary cultivators, compensation will of course be necessary in all cases for crops which must necessarily be destroyed, but in estimating the compensation for loss of tenure, distinction must be made in cases where the tenant has a permanent right of occupancy, and where this right is only temporary, the contract being for a precise term of years, or renewed from year to year. Care must also be taken not to confound with such tenures, the cases of mere shikimee retainers of cultivating proprietors, who are not registered tenants, who use their master's cattle and implements of husbandry, and re-pay him partly in servitude, and partly in payment in money or in kind, for the use of a part of his

land. The latter have no right of occupancy, and have no claim for remuneration beyond the value of their share in the crop, or for their labor in preparing the land for future sowing. Observe also that the mouroosee cultivator, who pays a fixed rent at a favorable rate, should be distinguished from those who pay the usual average rent of the neighbourhood; both have a permanent right of occupancy, but the first is often more valuable than the other, as the holder may not be able, without a paid consideration, to obtain the same right elsewhere, whereas the other will rarely have difficulty in turning his labor to good profit as before on other lands.

22*nd*.—But where private negotiations fail, and the proprietors insist on formal arbitration, all parties who have different interests in the same land must apply to those arbitrators to specify in the award the value of each interest. In the event of dispute, not on the amount or value of the interest, but as to the particular persons entitled to share in the amount awarded on account of each separate interest or property, the disputants will be referred to the Civil Court.

23*rd*.—Whether the mode of private negotiation or formal arbitration be resorted to, if there be doubts as to possession, or disputes between parties as to the right to share in the amount of compensation awarded for any separate interest or property, the compensation determined will have to remain in deposit until one or other of the claimants obtain an order of the Civil Court. It will however happen in co-parcenary estates that the appropriation of the land will disturb existing relations amongst the several sharers, and render it necessary to determine, agreeably to paragraph 9, Government Order, No. 566, dated 15th February 1848, whether re-partition and re-allotment of the whole estate should be effected. In such cases also, the compensation determined should remain in deposit till such matters are settled by the Collector. Other adjustments should not be deferred pending these questions, which the Collector should himself dispose of.

24*th*.—In estates or parcels held "lakhiraj," it is necessary to bear in mind certain distinctions. In some the exemption from demands of Government is for life only, in others it is perpetual. In many cases the maufeedar is only an assignee of juma, other parties having the proprietary right and possession duly recognized at the time of settlement. In some few cases the tenure, though not mauf, is "mokurruree," or quit-rent, the Government having authorized a partial exemption of the demand which, but for these privileges, it would otherwise derive from the land.

25*th*.—The mode of adjusting compensation with proprietors, other than these privileged maufeedars or mokurrureedars, and with tenants, is the same as in malgoozaree estates. The former will be entitled to proportionate remission and ten per cent., or other fair compensation, for profits, as if they had been malgoozars under the Government, the latter to compensation for the loss of crop and tenure.

26*th*.—The Government prefer adjustment of compensation with maafeedars by a ready-money payment, instead of an allowance. It will be necessary therefore to estimate fairly the consideration that should be paid for the loss of juma caused by the appropriation. The mere assignee of juma will be entitled to this valuation, and no more, which will be less for a life-tenure of course, than for a permanent alienation. The maafeedar, who is also a proprietor in his own right, will be entitled to the value of his privilege and his proprietary right also. The "mokurrurcedar" will similarly be entitled to the value of the difference between the malgoozaree juma, fairly calculated, and the mokurrurec juma paid on the land appropriated, and for his proprietary right also, if that is vested in him. In settling the compensation with ex-maufeedars, owners of parcels or estates, which have been resumed and settled with them at half asset rates, the tenure should be considered a profitable estate, open to revision of juma at the next settlement, and compensation be calculated accordingly.

27*th*.—Compensation for houses, trees, &c., should be adjusted if possible by private negotiation or formal arbitration. With regard to all buildings, that must

necessarily be removed, the owner should have a set time allowed for the removal of the materials, and when this is part of the bargain, the valuation should be proportionately less. For nuzzool property no compensation will be awarded, though the value should be determined and registered, but compensation will be given for any private property, such as gardens or houses which may have been made or built at the *bonâ fide* cost of individuals upon nuzzool land. Where bazaars and gunges have been established with shops, compensation must be awarded to the owners, and to the proprietors of the estate, for the loss of purjote or ground-rent of inhabited sites, which has been customarily demanded and paid, but not otherwise. Compensation also to actual owners of trees and orchards will have to be made, according to the appraised value, but in the case of spontaneous products, or what are called lawaris baghs, which have become the manorial perquisites of the proprietors of the estate by demise without heirs, or desertion of the resident who, or whose ancestors may have planted them, the value of the bunkur or phulkur should be estimated and paid to the whole proprietary body, unless by partition or private arrangement the local privilege is vested in particular individuals. The same rule should be observed with jalkur, if any jheel should be absorbed by the line of railway.

28*th*.—With regard to temples and places of worship, which must unavoidably be removed, special report should be made, and instructions solicited.

29*th*.—Prompt, fair, and judicious adjustment of claims must be succeeded by equally prompt despatch of report and recommendation. As soon as any mouzah or mehal is disposed of, the Tehseeldar should submit a complete statement to the Collector, and as soon as all relating to the Tehseeldar's circle are disposed of, the Collector should report to the Commissioner in the prescribed form. Payments should not be delayed; and it will be required of the Collectors, in submitting their reports, to certify that all claims have been adjusted, or paid; or in cases of dispute, that sums awarded have been placed in deposit.

30*th*.—The Tehseeldar's certificate to the payee, received back at the time of payment, and the razeenamah, should be retained as vouchers with the rest of the file.

31*st*.—It may be necessary hereafter to appropriate in particular localities additional space, and the same procedure will be adopted, a separate record being compiled and kept for additional lands required.

32*nd*.—It is possible, though not probable, that some portion of the appropriation may be hereafter relinquished. Re-adjustment of juma will in such cases be necessary, and should be reported as summary settlements. Where such lands are part of mauf or mokurruree estates, the maufeedar or mokurrureedar who has taken the compensation awarded, will have the reversion, paying back to Government the fair proportion of the amount within a fixed term.

33*rd*.—Commissioners should require monthly narratives of progress from the Collectors, when these operations have commenced in their respective districts, until they have been, so far as the Revenue officers are concerned, concluded.

REGISTER No. 1.

Register No. 1, for Malgoozaree lands.

Pergunnah.	Mehal.	Mouzah.	Tehseeldar's number.	Settlement number.	Area B. B. B.	Present state.	By whom held and cultivated.							Remarks.
							Name of cultivating proprietor.	Rent estimated at assameewar rates.	Name of Minhyedars.	Rent estimated at assameewar rates.	Name of Mouroosee tenant.	Name of Ghyr Mouroosee tenant.	Actual rent.	
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.	14.	15.

NOTE.—In No. 6, enter the standard beegah recognized at settlement.

In No. 7, enter cultivated, fallow, recent waste, old waste or barren, as the case may be. If cultivated, state the crop.

In No. 8, enter the name of the proprietor who holds the land seer.

In No. 10, enter the name of the holder who, by village custom, is exempt; such as the village priest or artizan, or village goreyt.

In No. 14, if payment is made in kind (bůtaice or baulee) enter the amount computed at money rates.

It will be convenient to enter in the register, first, all cultivated land and fallow; next all recent waste; next, culturable waste; and lastly, barren land.

REGISTER No. 2.

Register No. 2, for Mauf Estates recognized by Government.

Pergunnah.	Mehal.	Mouzah.	Tehseeldar's number.	Settlement number.	Area B. B. B.	Present state.	By whom held and cultivated.							Tenure.		Remarks.
							Name of cultivating proprietor.	Rent estimated at assameewar rates.	Name of Minhyedars.	Rent estimated at assameewar rates.	Name of Mouroosee tenant.	Name of Ghyr Mouroosee tenant.	Actual rent.	Name of the maufeedar or mokurrureedar.	Name of the proprietor.	
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.	14.	15.	16.	17.

See Note on Register No. 1, for columns Nos. 1 to 14.

Nos. 15 and 16, if the maufeedar or mokurrureedar is also proprietor in his own rights, the names in both columns will be the same. If the proprietary right belongs to others, the name of the maufeedar or mokurrureedar will be inserted in No. 15.

The same order should be maintained as in Register No. 1, on setting down cultivation and fallow, recent waste, culturable waste, and barren land.

Register No. 3, for Houses, Orchards, Trees, &c.

Pergunnah.	Mehal.	Mouzah.	Tehseeldar's number.	Description of property.	Name of owner.	Name of occupant.	Amount of compensation.	Annual sewaee collections to proprietors of the estate.	Value of the sewaee collection.	Remarks.
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.

In No. 5, if buildings, state whether kucha or pucka; if trees, the number, and whether spontaneous, or planted, and yielding fruit or otherwise; if jheel or talao, produce derived.

In No. 9, enter sewaee collections from the village papers, but not unauthorized or assumed receipts.

Register No. 4, of Certificate to parties entitled to compensation.

Pergunnah.	Mehal.	Mouzah.	Register and Number.		Compensation to whom payable.	Amount of compensation.	Remarks.
			Register.	Tehsceldar's number.			
1.	2.	3.	4.	5.	6.	7.	8.

No. 12.—*To all Revenue Authorities, (Land Revenue and Customs' Department.)—Dated Agra, the* 31*st October* 1854.

Board issue rules sanctioned by Government regarding Circular Orders calling for information, and Circular Orders prescribing rules of practice and forms for permanent adoption.

The Sudder Board of Revenue, with the sanction of Government, desire the attention of all Revenue Officers in these provinces, to the following rules regarding Circular Orders, prescribing rules of practice or forms for permanent adoption.

2nd.—Rule I.—No Circular Order, prescribing a new rule of practice, or a form of tabular statement for permanent adoption, should be issued in the Revenue Department, (Land Revenue or Customs,) without the sanction of Government.

II.—No Draft of a new rule, or exemplar of form for permanent adoption, should be submitted without a clear explanation of the proposed rule, and notes explanatory of the mode in which such entries should be made, such as will be perfectly intelligible to any ordinary clerk.

III.—Drafts of new rules and forms should be submitted by Collectors to Commissioners, for the consideration of the Sudder Board of Revenue, and reference to Government, if necessary. Commissioners should adhere to the same rule in the case of rules and forms they would themselves propose for adoption, and as the transmission with the quarterly indices may cause delay, the rule in paragraph 50 of the Board's printed Circular No. III. is so far modified.

IV.—This restriction is not intended to prohibit the issue of Circular Orders calling for particular information, and prescribing the temporary form in which such requisitions should be condensed. But copies of all such requisitions, on issue by Collectors, should be transmitted for the information of Commissioners, and copies of Circular Orders issued by Commissioners to Collectors, with the same object, should be simultaneously despatched to the Sudder Board of Revenue.

V.—The Circular Orders of the Board, prescribing rules of practice, and forms to be observed, issued with the sanction of Government, will be published in the *Gazette*, care being taken to show the divisions or districts to which such rules or forms are applicable, and to note also other divisions or districts to which they are not applicable.

VI.—The Circular Orders of the Board, calling for information, will be issued as at present lithographed, and copies will be furnished for the information of Government, the Calcutta Board, and the Accountant, North Western Provinces.

VII.—Any deviation from this mode of issue, which may under peculiar circumstances be advisable, will be subject of separate minute and report to Government.

No. 13.—*To all Revenue Authorities, North Western Provinces.—Dated Agra, the 3rd November* 1854.

The Board intimate that their Circular No. 3, dated 7th April 1846, calling for half-yearly returns of lapsed maufee tenures and alluvial increment, is cancelled.

WITH the sanction of Government, the Sudder Board of Revenue intimate that the Circular Order No. 3, dated 7th April 1846, prescribing half-yearly statements of lapsed mauf tenures, and increments gained by alluvion, is hereby cancelled.

2nd.—With regard to mauf tenures, the object of the Circular Order above cancelled, will be sufficiently attained by notes inserted in Appendices VI. and VII. of the annual Revenue Administration Reports.

3rd.—The Collectors should be careful to insert in the column of Remarks of Appendix VI., separately for lapses and resumptions, the number of both descriptions not assessed at the close of the year, with the date of the oldest lapse, and resumption separately.

4th.—Similarly in the same column of Appendix No. VII. they should insert, separately for lapses and resumptions, the number of cases settled, but not reported, and the oldest date of unreported settlement in either case.

5th.—With regard to alluvial increments, the Circular Order of the Board, No. 9, dated 13th October 1854, has declared the rule to be observed in reporting such cases.

No. 14.—*To all Revenue Authorities, (Land Revenue Department.)—Dated Agra, the 1st December* 1854.

The Board, with the sanction of Government, issue rules for the award of fees to Sale Ameens, under Act I. 1839, in cases in which sale of distrained property may not take place.

THE Sudder Board of Revenue have ascertained that it is the practice in some districts of these provinces to award to sale ameens, under Act I. 1839, a commission of 5 per cent. on the value of distrained property, even in cases in which sale does not take place. This practice has no warrant of law or rule.

2nd.—But it is reasonable that the officer appointed to this duty should be compensated for the trouble of proceeding to a distance from his post, for the purpose of conducting sales which may be stayed, and it is necessary to frame rules to meet such cases.

3rd.—The following rules have received the sanction of Government:—

I.—One sale ameen has been, or should be, appointed to each Tehseeldaree in these provinces, the duty being vested either in one of the fixed establishment, or assigned to an officer specially appointed.

II.—The distance of every mouzah, included in a Tehseeldaree jurisdiction, is easily ascertained from the Pergunnah Maps. A register should be framed, for each Tehseeldaree separately, of mouzahs distant in a direct line from the Tehseeldaree station, within, and as far as ten miles, and of mouzahs distant more than ten miles. No register for greater distances is necessary.

III.—Whenever any sale ameen is required to proceed to any mouzah for the purpose of conducting a sale of property distrained for arrears of rent, whether in one case or more than one case of distraint in the same mouzah, the distrainer, who requires his services, must deposit at the Tehseeldaree for each mouzah to which he requires the ameen's deputation, a fee of one rupee, if the distance does not exceed ten miles from the Tehseeldaree, or of two rupees if the distance be in excess. This fee must remain in deposit till the sale ameen returns from his deputation.

IV.—Should sale not take place, owing to the defaulter's satisfying the demand, the sale ameen will require him or them to pay the amount of the fee in deposit, or to give acknowledgment of liability to the distrainer. Or should sale be stayed on legal objection, the sale ameen should give a certificate of the fee having been deposited, to the distrainer, in order that the summary court may determine on whom this and other costs should be laid.

V.—Should sale take effect, the sale ameen must refund the amount of the fee deposited from the commission on the sale proceeds, and take a receipt for the amount.

VI.—In the event of there being more than one case of distraint, and intended sale at the same time in the same mouzah, the sale ameen will charge the amount of the fee deposited equally amongst the defaulters.

VII.—In every case of deputation, the sale ameen will be required to give the circumstances of each deputation and its result, in writing, separately, for each mouzah, whether sale has taken place or not, and the Tehseeldar will thereon order the fee deposited to be paid.

No. 15.—*To all Revenue Authorities, North Western Provinces.—Dated Agra, the 5th December* 1854.

Board, with the sanction of Government, issue rules for the levy of a School cess of one per cent. in all new or revised settlements.

THE following instructions received from Government, on the subject of the levy of the Road fund, and Village School cess, of one per cent. for each, are promulgated for the information and guidance of all settlement and revenue officers.

2nd.—On the occasion of every new settlement, or revision of settlement, engagements will be taken for the payment of one per cent. on the juma, as a cess for village schools, in the same manner as has hitherto been the practice with the Road fund.

3rd.—In maufee estates, of which a sub-settlement may be made with the proprietors in behalf of the maufeedar, the payment of these cesses should be a condition of the engagement taken from the proprietors.

4th.—The levy of the cesses should be made through the Tehseeldar from the proprietors; the amount being carefully entered in the engagement as additional land revenue, payable separately to the Tehseeldar, and leviable under the ordinary rules applicable to arrears of such revenue, though to be appropriated by the Government, on receipt, to specific beneficial purposes. The maufeedar becoming proprietor, will of course succeed to the same obligations as the former proprietor when sub-lessee.

5th.—In the settlement of detached parcels, lapsed or resumed, the jumas of which are incorporated with those of the estates to which they belong, these cesses should

be paid by the parcel-holder to the proprietor, and by the proprietor to the Government, and the engagements taken accordingly from each of the parties.

6th.—Where a mokurrureedar or an obareedar holds direct, the per-centage will be calculated only on the amount of his quit-rent, or mokurruree or obaree juma. Where a sub-settlement is made with proprietors on behalf of a mokurrureedar or an obareedar, they will come under the same rule as proprietors in sub-settlements on behalf of a maufeedar.

No. 16.—*To all Commissioners, North Western Provinces.—Dated Agra, the 8th December* 1854.

The Board, with reference to Circular T., dated 9th May 1854, intimate how the *Agra Government Gazette* will for the future be circulated.

THE Sudder Board of Revenue, with reference to their Circular T., dated 9th May 1854, regarding the distribution of the English and Oordoo version of the *Agra Government Gazette* (weekly), and of the Oordoo and Hindee version (monthly), to the Tehseel Offices, desire me to inform you, that the proposals contained in the subjoined extract, paragraph 5 of their address to Government, No. 806, dated 24th October last, have received the sanction of His Honor the Lieutenant-Governor.

"The Board recommend that two copies of the English and Oordoo version of the *Agra Government Gazette* (weekly), and no more, be supplied to all divisional and district sudder offices. One set should be bound up in annual volumes, and the other set filed unbound in annual portfolios, so as to have single copies available when required. One copy of the Oordoo and Hindee version should, the Board consider, be supplied to each divisional office, sudder district office, tehseel and thannah. These are all that seem to be required, as it appears unnecessary to supply additional copies for the Magistrate's library."

2nd.—Measures will be adopted by Government for distributing the *Gazettes* in the manner above proposed, and care should be taken in all divisional and district sudder offices, to bind one set of the English and Oordoo version in annual volumes, and file the other set in annual portfolios unbound.

No. 17.—*To all Commissioners, North Western Provinces.—Dated Agra, the 15th December* 1854.

Board call for a report of cases to which Act XXVI. of 1854, for the education of male minors under the Court of Wards, may be applicable.

THE Sudder Board of Revenue request that you will call the attention of the several Collectors of your division, to Act XXVI. of 1854, for the education of male minors, subject to the superintendence of the Court of Wards, published in the *Agra Government Gazette* of the 5th December 1854.

2nd.—The Collectors should report whether there are any cases, in their several districts, in which the provisions of this Act can be usefully enforced, and should supply for such cases (if any) information as to the age, acquirements, and position of the minor, and the means of education available at his place of residence, and at the sudder station.

3rd.—And this information should always be furnished, whenever it is proposed to bring the estates of a male minor under the Court of Wards.

No. 18.—*To all Revenue Authorities, North Western Provinces.—Dated Agra, the 15th December* 1854.

The Board, in modification of their Circulars Nos. 10 and 13 of 1845, dated 2nd September and 3rd October, and C. and E. of 1853, dated 15th February and 15th April, publish rules sanctioned by Government for the commutation of pensions granted in perpetuity for life.

THE Sudder Board of Revenue have recently been in communication with the Government of these provinces, regarding the principle on which pensions payable from the Public Treasuries may be commuted, and the descriptions of pension susceptible of such commutation.

2nd.—The following rules, in modification of those contained in paragraph 6 of the Board's Circular C., dated 15th February 1853, and the subsequent Circular E., dated 15th April following, are, with the sanction of Government, published for the guidance of the Revenue authorities, and for the information of pensioners generally.

3rd.—RULE 1.—The Sudder Board of Revenue are authorized to sanction, on the reports of the Local authorities, and with the consent of the recipients, the commutation of hereditary and transferable pensions of Rupees 100 per annum, and less, held under Section 2, Regulation XXXIV. 1795, in the province of Benares, and Section 2, Regulation XXIV. 1803, in the Ceded and Conquered Provinces, at the rate of 20 years' purchase, or Rupees 200 for every 10 Rupees of annual pension.

RULE 2.—The Sudder Board of Revenue are authorized, in the same manner, and at the same rate, to commute all other *personal* pensions, of Rupees 100 per annum, and less, which do not fall within the Regulations quoted, but have been declared hereditary by Government, on distinct references.

RULE 3.—But this authority does not extend to pensions not *personal*, such as annual allowances to mosques, temples, and religious objects. The same *rate* of commutation may be recommended in regard to such cases, if they have been clearly declared perpetual by Government; but all proposals, respecting allowances of this class, must be separately reported, for the consideration and orders of Government.

G. O. No. 3511, dated 16th August.
Circular Order, Sudder Board of Revenue, No. 10, dated 2nd September.
G. O. No. 4017, dated 18th September.
Circular Order, Sudder Board of Revenue, No. 13, dated 3rd October.

RULE 4.—The Sudder Board of Revenue are authorized to commute, on the reports of the local officers, and with the consent of the recipients, all life-pensions of Rupees 12 per annum, and less, inclusive of allowances to ex-maufedars, at the rates entered in the subjoined Schedule.

Value of 1 Rupee per annum of life-pension.

Age of Pensioner.	*Value.*		
Under 10 years,	13	0	0
10 to 20 ditto,	12	8	0
20 to 25 ditto,	12	0	0
25 to 30 ditto,	11	8	0
30 to 35 ditto,	11	0	0
35 to 40 ditto,	10	8	0
40 to 45 ditto,	10	0	0
45 to 50 ditto,	9	8	0
50 to 55 ditto,	9	0	0
55 to 60 ditto,	8	0	0
60 to 65 ditto,	7	0	0
65 to 70 ditto,	6	0	0
Above 70,	5	0	0

RULE 5.—A separate register shall be maintained in every Collectorate office, of all pensions commuted in whole or part, under the foregoing rules, in order to prevent any fraudulent or erroneous re-issue of commuted pensions. This register must be referred to, on every application for commutation, and the Board, before sanctioning the purchase of one, will require a distinct report that the register has been inspected. This register should be in the form subjoined:—

Number.	Name of Pensioner.	Nature of Pension.	No. in Pension Register.	Amount.		Date and amount commutation paid.	Date of Authority.	Remarks.
				Monthly.	Yearly.			
1.	2.	3.	4.	5.	6.	7.	8.	9.

4th.—The rates, sanctioned in the above rules, for the purchase of pensions granted in perpetuity, are very favorable, for such pensions are liable to lapse to Government, on the failure of lineal descendants of the original grantee, and their full value, if that lien did not exist, would not exceed 20 years' purchase. It is to be hoped therefore that many, if not all the pensions of this class, will be gradually bought up, and the Collectors of districts should endeavor, with the sanction of the Board, to commute them, with the consent of the recipients, as much as possible, and especially endeavor to buy up such as are of trifling amount. At present the payment of these pensions, the frequent reports in cases of arrear, and the necessity of recording all transfers by succession, sale, or mortgage, materially increases the labor of the offices of account.

5th.—The rates sanctioned for life-pensions are also favorable, and though difficulties to the same extent do not occur with regard to them, their purchase, especially when of small amount, is desirable.

6th.—The rules provide that no payment can be made for the commutation of a pension, without the sanction of the Board.

CUSTOMS' DEPARTMENT.

No. 1.—*To the Revenue Authorities, North Western Provinces, and Saugor Division.—Dated Agra, the 31st January* 1854.

Board prescribe rules regarding the punching of filed Stamps.

THE Sudder Board of Revenue, North Western Provinces, direct the attention of all Revenue Officers subordinate to them, to the Circular No. 1121, dated the 11th October 1852, regarding the punching of filed Stamps, addressed by the Court of Nizamut Adawlut, to the Criminal Authorities in these Provinces.

2nd.—The Board, with the sanction of Government, prescribe the following Rules which have been adopted with slight modification, from the Circular quoted, for the guidance of Officers in the Revenue Department.

I.—All Stamps filed, and not liable to be returned, are to be punched.

II.—The punching of such stamps will be executed in old cases by the Serishtadar of the Collector's office, under the supervision of the Collector or Deputy Collector at once; and in pending cases by the same Officer, after decision, and before the papers are consigned to the record room.

III.—Stamps, which may be filed hereafter not liable to be returned, will be punched by the Serishtadar, or other Officer of the Collector's establishment receiving them, and Revenue Officers of all grades, when signing the order for filing, are to see that the rule is observed.

IV.—Blank Stamps, which are filed to make up the deficient value of a petition, or any other document not liable to be returned, are to be destroyed. In old cases they will be destroyed by the Collector or Deputy Collector, who will endorse a certificate of the fact on the principal stamp, and in pending cases, the same will be done after decision, and before the papers are sent to the record room.

No. B.—*To the Commissioners of Dehlie, Meerut, Agra, Rohilcund, Allahabad, Benares, Sauyor and Kumaon Divisions.—Dated Agra, the 23rd June* 1854.

The Board, in continuation of their Circular C., dated 19th August 1853, prescribe returns of miscellaneous sayer revenue to be furnished quarterly to Commissioners of divisions, and annually to the Board.

I AM desired by the Sudder Board of Revenue in continuation of their Circular C., dated 19th August 1853, calling for returns of sayer revenue, exclusive of that realized by the excise of spirituous liquors, intoxicating drugs and opium, and by duties of import or export on cotton, salt, and saccharine produce, to forward for your information and guidance copies of the documents noted below.

Minute by the Junior Member of the Board, dated 15th August 1853.
Board's address to Government, No. 41, dated 21st April 1854.
Statement of miscellaneous sayer revenue, compiled in the Board's office.
Government Order, No. 2433, dated 20th May 1854.

2nd.—The Board request that copies of this Circular and its Enclosures may be forwarded to the Collectors of those districts in your division, in which items of miscellaneous sayer revenue, such as appear in the statement compiled in this office, are collected on account of Government.

3rd.—Where such articles are the subject of direct management, you will exercise supervision over the proceedings of the Collectors. But where annual contracts are taken, these should be approved by yourself, and reported to the Board for confirmation. Contracts for longer periods than one year will be submitted for the orders of Government.

4th.—Quarterly returns, following the official year, and commencing with the first quarter of 1854-55, should be furnished to you, of receipts from miscellaneous sources of sayer revenue; but these need not be submitted to the Board. The form given below may be adopted.

Return of Miscellaneous Sayer Revenue for the Quarter of 18

District.	Name of article.	Gross collections.

5th.—Annual returns, also following the official year, should be furnished, shewing demand, gross collections, charges and net collections from these items. A divisional abstract of this return should be submitted to the Board with the annual Revenue Administration Report, and the first should be supplied for 1853-54. The form subjoined may be used.

Return of Miscellaneous Sayer Revenue for the year 18

District.	Name of article.	Demand.	Gross collections.	Charges.	Net collections.

6th.—It will be observed that these orders relate to those articles only of miscellaneous sayer revenue, which yield an annual income, year after year.

7th.—The quarterly returns now submitted to the Board, and enumerated in paragraph 5 of their address to Government No. 41, dated 21st April 1854, may be discontinued.

8th.—The enclosures of your letters, in reply to the Board, Circular C., dated 19th August 1853, are returned, copies having been kept.

Note, by E. A. Reade, Esq., Junior Member, Sudder Board of Revenue, regarding the Settlement of Miscellaneous Sayer Revenue, dated 15*th August* 1853.

1st.—In the old treasury accounts, the revenue of the state is exhibited under two heads, maul and sayer.

2nd.—The former shewed the revenue derivable from land, the latter the receipts of various imposts.

3rd.—These, under the former Government, were very numerous, and several retained during the early years of our administration have been abolished, as odious to the people, and objectionable in principle.

Pilgrim taxes.
Transit duties.
Town duties.
Timber duties.
Sujee Muttee.
Lime.
Vessels, rings, &c.
Police, Gunj-bazar duties,
cum multis aliis.

4th.—Stamps never come under sayer, because this impost was not taken from the former Government, but was introduced by the British Government, as a substitute for the police taxes, which were excessively unjust and oppressive; see preamble to Regulation VI. 1797. The stamps have always therefore had a separate place in the accounts.

5th.—The Board has of late years substituted the term *customs* for the imposts retained formerly under sayer, abkaree, drugs, opium, salt, and saccharine produce duties, and the term sayer has thus become almost obsolete. But in different parts of this country, the State continues to derive considerable income from imposts locally denominated "miscellaneous sayer," regarding which there appears to be no systematic rule of account.

6th.—The forest dues of Goruckpore yield about Rs. 18,000; the quarry duties of Mirzapore about Rs. 15,000 a year. There are the forests dues of Rohilcund, and the mines of Kumaon and Ghurwal. There used to be the diamond mines of Punna in Bundlecund, but I am not certain if any thing is now derived from them, which used to give the Emperor Akber 8 lacs a year.

7th.—It would be as well to make enquiry about contingent receipts of this description.

8th.—It is unnecessary to multiply returns and forms; but these items should be subject to rule. The advantage of a rule is that such are thus properly credited in account, whereas in the absence of a rule there is danger of miscredit in the public accounts, and of embezzlements.

9th.—On some favorable occasion, it would be as well to ask the Commissioners to ascertain from the Collectors, and report what items of sayer revenue, besides the income derivable from abkaree taurec, drugs and opium, are collected, and the estimated annual amount.

Letter addressed by the Sudder Board of Revenue, to Government, North Western Provinces, No. 41 *of* 1854.—*Dated* 21*st April* 1854.

WITH reference to my docket No. 59, dated 19th August 1853, I am directed by the Sudder Board of Revenue to forward, herewith, a statement of miscellaneous sayer revenue collected for Government in these provinces.

2nd.—The compilation of this statement originated in a note of the Junior Member, dated 15th August last, copy of which is herewith annexed. It was written under the impression that this branch of revenue would be found more considerable than was supposed, and that it might be found worthy of a heading in the Revenue Administration Statements.

3rd.—From the statements submitted from the several divisions, casual items of receipt, such as the sale of drift timber, have been excerpted. Those articles have been retained which yield, and will continue to yield, a certain annual income.

4th.—The Board receive quarterly returns from the districts, and an account of the items noted in the margin*. It is only recently that an annual return has been submitted of revenue derived from the stone mehal in the district of Mirzapoor. Elsewhere the arrangements, regarding miscellaneous sayer, are left to the discretion of the Collectors, with or without reference to the Commissioners.

* *District.*	*Items.*	*Returns received.*
Dehra Dhoon, ..	Forest dues,	Quarterly.
Bijnour, ...	Ditto, ..	Ditto.
Mooradabad, ..	Ditto, ..	Ditto.
Bareilly, ...	Ditto, ..	Ditto.
Shajehanpoor, ..	Ditto, ..	Ditto.
Mirzapoor, ..	Stone Mehal,	Annual, through the Accountant.

5th.—The Board are of opinion that the system and rule should be the same in all the districts; that the contracts, (whether annual or for longer term) should be reported to the Board; direct management, where this obtains, being subject to the Commissioner's supervision: and that quarterly reports should be submitted to Commissioner, and an annual report to the Board; the result being embodied in the published report of Revenue Administration.

6th.—If His Honor approves this measure, the requisite instructions will be issued.

Government Order, to the Sudder Board of Revenue.—Dated Nynee Tal, the 20th May 1854, *No.* 2433, *of* 1854.

I AM directed to acknowledge the receipt of your letter, dated 21st ultimo, No. 41 submitting a statement of miscellaneous sayer revenue collected for Government in these provinces, and offering certain suggestions as to the regulation of these taxes, and the incorporation of the result in the Revenue Administration Statements.

2nd.—In reply I am directed to inform you, that the Lieutenant-Governor entirely approves the suggestion mentioned above.

3rd.—The Board and the Government should have full information regarding the precise nature and amount of each miscellaneous tax or item of revenue, in order to its being considered, both whether any of such receipts ought to be relinquished or modified by the Government, and also whether those, that are retained, are kept under efficient regulation and superintendence.

CIRCULAR ORDERS

OF THE

ACCOUNTANT'S OFFICE,

NORTH WESTERN PROVINCES,

FOR 1854.

No. 295.—*To all Officers in charge of Treasuries in the North Western Provinces, Cis and Trans-Sutlej States, and the Punjab and Trans-Indus Territory.—Dated Agra, the* 10*th March* 1854.

WITH reference to the orders of Government, noted in the margin*, and in continuation of my Circular No. 291, of the 5th of July last, I have the honor to request that you will invariably transmit special explanations, when returns are due from your office for above fifteen days. These special explanations will be embodied from time to time, for the information of Government, in my monthly report.

* Extract paragaph 2 of letter from the Government of the N. W. P., No. 308, of the 4th February 1854.

Paragraph 2nd.—In reply, I am desired to observe that special explanations should be required from all officers, as under the special directions of the Government, from whom Returns are due for above fifteen days.

2nd.—You will thus see the necessity of being very careful in preparing your Returns for this office with punctuality, and of showing good and sufficient cause for delays that may occur.

No. 296.—*To all Officers in charge of Revenue Treasuries in the North Western Provinces, Cis and Trans-Sutlej States, and the Punjab and Trans-Indus Territory.—Dated Agra, the* 31*st March* 1854.

WITH reference to Docket No. 575 of 1854, under date the 6th ultimo, from the Secretary to the Government of the North Western Provinces, communicating a set of rules of audit and account for the Electric Telegraph, sanctioned by the Government of India on the 10th of February previous, I have the honor to request that you will comply with the applications of Deputy Superintendents of the above department, for public service drafts, which must be issued in their favor, and contain a specification of the purpose for which they may be required. The drafts will be issued on the payment of cash into your Treasury, and under the authority of this letter, the date of which must be cited in the body of each draft.

No. 297.—*To the Post Masters of the North Western Provinces.—Dated Agra, the* 17*th April* 1854.

WITH reference to Docket No. 575 of 1854, under date the 6th ultimo, from the Secretary to the Government of the North Western Provinces, communicating a set of rules of audit and account for the Electric Telegraph, sanctioned by the Government of India on the 10th of February previous, you will be pleased to observe as a general rule, that all contingencies and extraordinary expenditure of your office, on account of the Electric Telegraph Department, must be debited under the head "By Bengal Presidency," supported by bills audited by the Superintendent of that Department.

2nd.—All recoveries, on account of such debits, should be so credited, in each case, as to be identifiable.

No. 298.—*To the Collectors in the North Western Provinces.—Dated Agra, the* 11*th May* 1854.

GOVERNMENT having, under date the 21st ultimo, No. 1004, sanctioned a revised system for adjusting the accounts of the Educational Department, and directed the Government Curator of Educational Books, the Visitor General of Vernacular Schools, and the Principals of Government Colleges and Schools, periodically to render accounts to this office, in the same manner as officers of other departments are required to do; I have to request your attention to the following rules, in transacting business with those officers.

I.—From the 1st instant, all transactions connected with the payment or receipt of money to, or from, any of the above officers, are to be exhibited as Remittance transactions in your accounts, under the head "To" or "By Remittances of the Educational Department," as the case may be.

II.—No payments are to be made to officers of the above department except on the presentation of audited Bills, duly receipted, and accompanied by separate Remittance receipts of the officers concerned. The receipts are to be retained in your office as vouchers in support of the debits, and the Bills returned to the receiving officers, with an endorsement of the number and date of your Treasury warrant thereon, to enable them to make the necessary transfer entries in their accounts.

III.—In the case of the Visitor General, both the Bills and the separate Receipts, are to be forwarded with your month's account to this office.

IV.—As respects the Government Curator, only such monetary transactions as relate to the printing, storing, and sale of *Educational* Books, and payment of the salary, establishment, and contingencies of his office, are to be considered as coming within the operation of these rules.

V.—On presentation of an audited Bill, for the cost of printing an Educational work, the amount is to be discharged as usual, on the receipt of the printer endorsed thereon, and a separate receipt is to be called for from the Curator in exchange for the Bill.

VI.—Transfer receipts are to be passed monthly to the Principals of Colleges for collections made from endowed villages.

VII.—The cost of Educational Books supplied to you by the Curator for sale through your Tehseeldars, is to be brought to credit in your accounts at the authorized selling prices, and held in Inefficient Balance, pending its recovery, by a sale of the Books.

VIII.—Educational Books, required by Jailors for the use of prisoners, are to be indented for from the Government Depôt on receipts counter-signed by the Magistrate of the district, and their cost is to be brought to account by the Collector in the above manner, but charged off under the head of "Judicial Charges General" as Jail contingencies.

IX.—Payments of the sale proceeds of Educational Books, by the district book agents, into the tehseeldaries, or district treasuries, are to be credited under "Remittances of the Educational Department," and receipts are to be granted for the same to the agents, in favor of the Visitor General of Vernacular Schools.

No. 299.—*To all Officers in charge of Treasuries in the North Western Provinces, the Cis and Trans-Sutlej States, and the Punjab and Trans-Indus Territory.—Dated Agra, the* 13*th May* 1854.

I HAVE the honor to request that you will consider my Circular letter, dated 27th July last, regarding the exhibition of Sheriff's Fees under the head "Revenue Deposits," as hereby cancelled; and in future give effect to the following instructions in respect to them.

2nd.—You will be pleased to open a head in your Treasury Accounts, to be styled "Sheriff's Fees, under Act VIII. of 1852," under which must be credited all fees, that you may realize under that Act in summary suits process, (see Act VI. of 1853.)

3rd.—It is to be distinctly understood, that the local officers are not, in any instance, to remit the fees in question, to the Sheriff. This will be done, solely through the Collector of Agra, under instructions from this office; so that the Treasury Officers having credited the Fees, will have done all that is required of them.

4th.—Any fees that may already have been realized by you, and credited under the head of Revenue Deposits; should, in your Treasury account for the current month, be debited under the same head, and re-credited under that prescribed in the foregoing paragraph.

No. 300.—*To the Collectors of Saharunpore, Paneeput, Dehlie, Meerut, Allygurh, Cawnpore, Mynpoorie, Etawah, Deyrah Dhoon, Barelly, and Agra.—Dated Agra, the* 30*th May* 1854.

UNDER orders of the Honorable the Lieutenant-Governor of the North Western Provinces, conveyed in Mr. Secretary Muir's letter No. 285, of the 2nd ultimo Officers in charge of Government Treasuries, are directed in future to make advances to Officers of the Canal Department, upon attested copies of the endorsements on sanctioned estimates to be communicated to them by the Superintendent of Canals of the North Western Provinces. Advances for current expences (that is to say, for salary, pay of establishments, contingencies and ordinary repairs) may be made upon the receipts of the Canal Officers, duly counter-signed by the Superintendent of Canals. These advances are to be charged under the head "By Remittances of the Department of Public Works."

2nd.—Upon application being made for an authorized advance, the Officer in charge of the Treasury will pay the amount in full, or in part, agreeably to the rules laid down in General Orders, dated 3rd July 1828. In case of part payment being made, the full amount authorized, is to be charged as a Remittance of the Department

of Public Works, and the unappropriated portion thereof, placed under the head "To Deposits of the Revenue Department" at the disposal of the Executive Engineers. The Remittance entries in the Treasury accounts must be supported by the original acknowledgments of the Executive Engineers receiving the advances, who will be held accountable for the same upon the books of this office, till covered by audited Bills.

3rd.—Upon application being made for the withdrawal of deposits, (which will be done merely by the presentation of cheques signed by the depositors, instead of formal letters,) payments are to be made and debited under the head "By Deposits of the Revenue Department" in the Collector's Treasury accounts. These entries must be supported by the cheques of the Executive Engineers, forms of which will be supplied to each Officer. The cheques will be presented in duplicate, the original for transmission to this office, the other for deposit in your own records.

4th.—If from unavoidable causes, and in any special instance, it should be necessary to draw at once the full amount of a sanctioned estimate, the necessity for doing so is to be clearly stated at the foot of the original receipt, duly counter-signed by the Superintendent of Canals.

No. 301.—*To all Officers in charge of Treasuries in the North Western Provinces, Cis and Trans-Sutlej States, and the Punjab and Trans-Indus Territory.—Dated Agra, the 14th July* 1854.

UNDER orders of Government, North Western Provinces, dated 28th ultimo, No. 462 A., I have the honor to request that you will in future comply with the applications of Assistant Superintendents and Deputy Superintendents of the Electric Telegraph Department for advances of cash for the *bonâ fide* purposes of the department. Such applications will be supported, in all practicable cases, by the sanction of the Superintendent; but when, through unavoidable circumstances, that Officer's sanction cannot be previously obtained, the simple receipts of the Assistants and Deputy Superintendents will be sufficient vouchers to enable you to charge the advance in the body of your Treasury account. The receipts must be taken in triplicate.

No. 302.—*To all Officers in charge of Treasuries in the North Western Provinces, Cis and Trans-Sutlej States, and the Punjab and Trans-Indus Territory.—Dated Agra, the 14th August* 1854.

I HAVE the honor to request, under the orders of Government, North Western Provinces, dated 31st ultimo, that you will, in future, discontinue the transmission to drawees of the weekly Advice of Bills drawn, referred to in paragraph 4, page 28 of the Accountant's Manual, and be careful to see that the daily advices are punctually despatched whenever Bills may be drawn upon any particular Treasury. With the view, however, of guarding against any doubt or inconvenience that may arise in consequence of the discontinuance of the present Weekly Advice, you will be pleased, invariably to note, on the face of each letter of advice, the date on which the last letter of advice to the same Treasury was forwarded, so that reference may be made thereto in doubtful or suspicious cases.

No. 303.—*To all Officers in charge of Treasuries in the North Western Provinces, Cis and Trans-Sutlej States, and the Punjab and Trans-Indus Territory.—Dated Agra, the 21st August* 1854.

I HAVE the honor to annex, for your information and guidance, copy of a Resolution passed by the Most Noble the Governor General in Council, under date 24th June 1854, designed to regulate the issue of exchange drafts in lieu of Family Remittance Bills held by Military Commissioned and Non-Commissioned Officers and men, and to request your strict observance of the rule now prescribed, viz., that all drafts shall, in the first instance, be taken out in the name of the parties applying for them, and that exchange drafts may be issued only when the original drafts are presented for discharge by the officers or soldiers in whose favor they were originally drawn.

2nd.—If however the original holder of a draft happens to endorse it to an officer or soldier, and such endorsee, before the draft is actually discharged in cash, is under orders for relief, or otherwise removed to a distance from the Treasury, from which the draft may be payable, an exchange draft may be issued in his favor as a special case.

3rd.—The date of the orders, now communicated, must be cited as your authority for issuing exchange drafts, of the nature above described.

(COPY.)—*Extract, Financial Department, Resolution No.* 2284, *dated the 24th June* 1854.

The Most Noble the Governor General in Council observes, that under General Order of Government, No. 211, dated the 8th September 1841, the granting of Bills on public Treasuries in favor of European Commissioned Officers, and the native soldiery generally, was restricted to the period of issue of pay, and in payment of their monthly abstracts only, or part thereof, the only exception to this rule being, as respects the Officers, on account of bungalows; and as respects the soldiery, on their proceeding on furlough, when any reasonable accumulated saving from their pay may be received into a public Treasury, and a Bill granted in lieu. His Lordship in Council further observes, that, although the above General Order does not make any provision for the issue of exchange drafts, yet the practice has been to issue them, and that to an extent calculated to furnish banks and merchants with opportunities of carrying on their exchange transactions through such exchange drafts. It is not the intention of His Lordship in Council, however, to restrain the issue of exchange drafts altogether, but to confine their issue within a limit by which the interests of the class of servants, for whose benefit the General Order of the 8th September 1841 was promulgated, may be secured without giving room to others to take advantage of them, for the purpose of carrying on their exchange operations. In extension therefore of the General Order of 8th September 1841, No. 211, the Most Noble the Governor General in Council is pleased to resolve, that all drafts to be issued under that order shall, in the first instance, be taken out in the name of the parties applying for them, and that exchange drafts may be issued only when the original drafts are presented for discharge by the officers or soldiers in whose favor they were originally drawn.

See Revenue Account, Court's Circular No. 624, dated 27th October 1841.

If however the original holder of a draft happens to endorse it to an officer or soldier, and such endorsee before the draft is actually discharged in cash is under order for relief, or otherwise removed to a distance from the Treasury from which the draft may be payable, an exchange draft may be issued in his favor as a special case.

No. 304.—*To all Officers in charge of Treasuries in the North Western Provinces, Cis and Trans-Sutlej States, and the Punjab and Trans-Indus Territory.—Dated Agra, the 24th August* 1854.

WITH reference to the set of rules for the custody and sale of Postage Stamps, promulgated by the Sudder Board of Revenue, North Western Provinces, and published in the *Agra Government Gazette,* dated 1st instant, I have the honor to draw your attention to the following instructions.

2nd.—A plus and minus memorandum must be opened at the foot of your Treasury account, for the exhibition of the receipts and sales of Postage Stamps, or Labels to be designated as follows:—

Memorandum of Postage Stamps.

Balance at close of last month, -- -- -- -- -- -- -- --	10,000	0	0
Add, received from Superintendent of Stamps, as per my receipt No.—, dated ————, -- -- -- -- -- -- -- --	1,000	0	0
	11,000	0	0
Deduct Sales during this month, as per credit in Treasury account,	2,500	0	0
Balance at the close of this month, -- -- -- -- -- -- --	8,500	0	0

3rd.—Immediately on receipt of a supply of labels from the Superintendent of Stamps, their value should be added to the memorandum, and a receipt granted in acknowledgment. Your receipts must bear a consecutive annual series of numbers, and the number and date of each receipt be cited in the plus entry in the memorandum. Plus and minus entries will also be made whenever Postage Stamps are obtained *from,* or forwarded *to,* other districts, as contemplated in Rule 7th. In the latter case, the acknowledgment of the Receiving Officer must be forwarded in support of the minus entry.

4th.—The entire value of labels sold to vendors, must be credited in the body of the Treasury account, under the head "Postage Stamps," subordinate to "Remittances of the Post Office Department," and the authorized discount allowed on purchases charged per contra, but without entry in the memorandum.

5th.—No audit will be required to support the charge on account of discount, but a Statement, in the annexed form, must be submitted as a voucher with your Treasury account. Incidental charges, connected with the receipt, sale, or custody of labels, will, however, be subjected to the usual civil audit, as other ordinary Contingent charges of your office, and debited against the prescribed head of "Postage Stamps."

6th.—Your attention is directed to Rule 19th for observance on occasions of transferring charge of your office.

FORM.

Statement of Discount paid on Postage Stamps sold during the month of August 1854.

Date of Sale.		Names of Vendors.	Number of Postage Stamps sold.		Value of Postage Stamps sold.			Total.			Discount allowed.			Remarks.
					Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	
August	1st,	Jankee Dass,	4 as.,	20	5	0	0							
			2 as.,	40	5	0	0							
			½ an.,	200	6	4	0							
	1st,	Beharee Lall,						16	4	0	0	4	0	Note.—According to Rule 9, discount will be allowed *only* on every nine rupees paid.
			8 as.,	50	25	0	0							
			4 as.,	30	7	8	0							
			2 as.,	50	6	2	0							
			1 an.,	100	6	4	0							
			½ an.,	500	15	10	0							
								60	8	0	1	4	0	
								Total,			1	8	0	

I hereby certify, that the above allowances of discount have been actually paid to the vendors indicated.

A. B.,

In charge of Treasury.

Agra, Collector's Treasury, the 1*st September* 1854.

No. 305.—*To all Officers in charge of Treasuries in the North Western Provinces, Cis and Trans-Sutlej States, and Punjab and Trans-Indus Territory.—Dated Agra, the* 28*th August* 1854.

I have the honor to intimate to you the establishment of a separate Treasury at Tharawaddy, in the Province of Pegu, in charge of an Assistant Commissioner, with authority to draw upon other Treasuries, Bills under existing rules; and to

request that you will accordingly honor Bills drawn by that Officer on your Treasury when presented for payment: but, until further orders, you must consider yourself not authorized to issue Bills upon the Tharawaddy Treasury.

2nd.—I take the opportunity of intimating, that the designation of the Sarawah district has been altered to "Honzada."

No. 306.—*To all Officers in charge of Treasuries in the North Western Provinces, Cis and Trans Sutlej States, and the Punjab and Trans-Indus Territory.—Dated Agra, the* 11*th September* 1854.

WITH the view of assimilating the practice of these Provinces, to that of Bengal, and at the same time of facilitating the work of this office, I have the honor to request, that under the orders of Government, North Western Provinces, dated 28*th ultimo*, you will, in future, represent only the aggregate of your Bill transactions, in your Treasury account, instead of crediting and debiting the amount of each Bill drawn or discharged *in extenso* as at present. The entries, which you will make under the head of Remittances on both sides of the accounts, will be as follows:—

Amount received on account of Bills drawn upon Treasuries in the North Western Provinces, as per register submitted to the Accountant under date, -- -- -- -- -- --	00,000	0	0
And amount discharged on account Bills drawn by Treasuries in the North Western Provinces, as per register and vouchers submitted to the Accountant under date, -- -- -- -- --	00,000	0	0

2nd.—Separate entries will be made for the Bill transactions appertaining to the several Presidencies.

3rd.—In lieu, however, of the details now furnished, you will be pleased in future, to submit, monthly, as soon after the close of each month as possible, transcripts, or extracts from your registers of Bills drawn and discharged: which, if kept written, with the originals up to date, may be despatched on the 3rd of the month, accompanied by the original Bills, to support the entries in the register of Bills discharged. The original Bills forwarded with the registers, should, of course, bear voucher numbers in a consecutive monthly series, so as to ensure identification.

4th.—The "Cash and Transfer" entries will continue, as heretofore, to be shewn with the prescribed specification of details, in your monthly Treasury account.

5th.—The measure of relief thus afforded to your English establishment, should serve to expedite the submission of your monthly Treasury account.

No. 307.—*To all Officers in charge of Treasuries in the North Western Provinces, Cis and Trans-Sutlej States, and the Punjab and Trans-Indus Territory.—Dated Agra, the* 26*th September* 1854.

I HAVE the honor to request, under the Orders of Government, North Western Provinces, dated 28th ultimo, that you will substitute the undermentioned paragraph in the place of paragraph 8, on page 32 of the Accountant's Manual.

2nd.—A Civil Officer, Covenanted or Uncovenanted, when permanently transferred to another district, or on deputation on the public service, or absent on leave on sick certificate, is entitled to Bills for his allowances from the Treasury at which his allowances are chargeable upon the Treasury nearest to the station to which he may be temporarily attached, or allowed to reside, or be permanently transferred.

No. 308.—*To all Officers in charge of Treasuries in the North Western Provinces, the Punjab and Trans-Indus Territory, and Cis and Trans-Sutlej States.—Dated Agra, the 27th September* 1854.

THE Most Noble the Governor General of India in Council, having been pleased in the Military Department, under date the 14th July last, to authorize Military Officers in Civil employ, obtaining family remittance drafts on provincial Treasuries, to the extent of pay and allowances to which officers of their rank would draw if attached to their regiments. I have the honor to request that you will, in future, comply with the applications of Military Officers, employed in the Civil Department for drafts upon other Treasuries, agreeably to the annexed memorandum, which should regulate the amount for which Officers of various grades are entitled to the privilege. Such drafts must be issued in favor of the remitters, and give reference to the number and date of this letter as your authority for issuing it.

Memorandum of Regimental Pay and Allowances of Commissioned Officers of the Honorable Esat India Company's Army in the Field, or in Garrison, or Cantonment, beyond two hundred miles of direct distance from the Presidency.

REMARKS.	Horse Artillery and European and Native Cavalry.	Foot Artillery and Engineers.	European and Native Infantry.
Colonels, -- -- -- -- -- --	1,478 7 0	1,295 5 0	1,295 5 0
Lieutenant-Colonels, -- -- -- --	1,157 0 0	1,032 4 0	1,032 4 0
Majors, -- -- -- -- -- -- --	929 6 4	789 3 0	789 3 0
Captains, -- -- -- -- -- --	563 0 4	433 10 0	415 6 0
Lieutenants, -- -- -- -- -- --	365 4 0	265 12 0	256 10 0
Cornets and Ensigns, -- -- -- --	310 10 4	213 5 0	202 12 5

Surgeons to the same extent as Captains of Infantry.
Assistant Surgeons ditto as Lieutenants of Infantry.
Chaplains ditto as Majors of Infantry.
Assistant Chaplains ditto as Captains of Infantry.

No. 309.—*To all Officers in charge of Treasuries in the North Western Provinces, Cis and Trans-Sutlej States, and the Punjab and Trans-Indus Territory.—Dated Agra, the 22nd October* 1854.

I HAVE the honor to request, that you will in future recognize the claims of pensioners, formerly duxbar soldiers, and subsequently in the Punjab Irregular Force and Punjab Police Battalions, whose cases have been investigated in the Military Department, and settled by Government, whenever the parties may present themselves at your Treasury, with regular and correct descriptive rolls signed by their Command-

ing Officers, and counter-signed by the Military Secretary to the Chief Commissioner, and accompanied by the usual last pay certificate. In regard, therefore, to the pensions of the above character, you will receive no further communications from superior authority, except in cases of transfer of payment from one Treasury to another, when the usual intimation will be made by the Commissioner of the Division: but in all cases of first payment, you will be careful to see that the name of your Treasury is specified in the descriptive roll, as that at which payment is desired.

No. 310.—*To all Treasury Officers, North Western Provinces.—Dated Agra, the 23rd October* 1854.

WITH reference to Circular D. D., dated 1st August last, issued by the Sudder Board of Revenue, North Western Provinces, to Commissioners of Divisions, directing that a distinction should be observed between the *wuqf* and *nuzzool* funds in the accounts and proceedings of the Local Agency Committees; I have to request that you will, in future, adopt the following form of entry in affording credit for sums received on account of the Local Agency Fund, viz.:—

To LOCAL AGENCY FUND.

Wuqf.

Amount received from on account of -- -- -- -- -- --			000	
Nuzzool.				
Amount received on account sale of Nuzzool land in Mouzah Pergunnah -- -- -- -- -- --		000		
Ditto account sale of produce, -- -- -- -- -- --	00			
Ditto account rent of -- -- -- -- -- --	00	000	000	000

2nd.—Similar distinctions between the *wuqf* and *nuzzool* funds, as defined in the Sudder Board's Circular, must be maintained in the memorandum of Local Agency Fund, at the foot of your Treasury account, and on the Cr. side of the account when charges are incurred in connection with the Local Agency Funds.

No. 311.—*To all Officers in charge of Treasuries in the North Western Provinces, Cis and Trans-Sutlej States, and the Punjab and Trans-Indus Territory.—Dated Agra, the 17th October* 1854.

I HAVE the honor to forward, for your information, a copy of a Circular No. 1088, dated the 24th July last, issued from the Loan Office of the Accountant General to the Government of India, and to request, that you will adopt the rules therein prescribed in regard to the disposal of Promissory Notes presented at your Office.

(COPY.)—No. 1088.—*From the Accountant General, Fort William, to* ———,

dated Fort William, the 24th July 1854.

LOAN OFFICE.

I have the honor to forward, for your information and guidance, the following Rules in regard to the disposal of Promissory Notes presented at your Office.

2nd.—Whenever a Promissory Note is presented for payment of Interest due, your first care will be to see that the enfacement, under the signature of a Covenanted Officer in the Accountant General's Department, required in paragraph 2 of Circular Order No. 422, of 8th October 1831, making interest payable exclusively from your Treasury, is upon the Note, and that advice of the same has been duly received and registered in your office. If it is not, you will desire the proprietor of the Note to apply to you in writing to have the interest made payable from your Treasury, and you will forward his original application to his Office, together with the Note to which it refers, in order to his request being complied with.

* *2nd.*—When a proprietor of a Promissory Note, wishing to have his transfer registered, shall appear before you, it will be necessary for you to ascertain that the individual is the person he represents himself to be, making such enquiries as you may deem requisite for the purpose.

3rd.—Having registered the transfer, you will, on the back of the Promissory Note, immediately under the endorsement of the individual, sign your name at full length to the words "Transfers registered."

4th.—You will be pleased to cause to be stuck up at your Office a Notice, that the transfer of Promissory Notes will be registered by you on the personal application of the parties or their attorneys every day, (Sundays and holidays excepted.)

3rd.—Interest on the Note having been thus made payable from your Treasury, you will next examine the endorsements on the Note; and should any of these have been made subsequent to the last payment of interest on the Note, you will afford every facility for the registration of the transfer of property in the Note involved in such endorsement, in the manner laid down in paragraphs 2, 3 and 4 of the Circular of the Accountant General, dated 26th January 1824, given in the margin*.

4th.—This register should be kept alphabetically (a certain number of pages of it being set aside for each letter), in the form noted in the margin†, and an entry should be made on the reverse of the Note, immediately under the endorsement to which it refers, to the following effect:—

"Transfer registered before me."

(Signed) A. B.,

Collector.

† *Register of Transfers of Government Promissory Notes at* ———

No. and Date of Promissory Notes.	Amount.	By whom endorsed.	To whom endorsed.	In the presence of the under-mentioned witnesses.	Date of Transfer.

5th.—Whenever any endorsement to sell a Note has been made for the proprietor by his attorney, you will call for the Power-of-Attorney under which it has been made, and carefully ascertain that it conveys in distinct terms the authority to sell, and that it has in it that word, or its equivalent n the vernacular, when in addition to the entry in the register of transfers already required, you will make an entry in a register, to be also kept alphabetically, in

Register of Powers-of-Attorney, Probates, Certificates, &c.

No. of Register.	Date of Document.	* By whom granted.	To whom granted.	Description.	Date of Registry.
N. B.—The entries under each letter should have a separate series of numbers.					

* These names to be entered alphabetically.

the form given in the margin, of the Power-of-Attorney under which the sale has been made, and a second entry on the back of the note in the following terms :—

Special Power, No. —— *of* ——

"Certified that I have seen the Power-of-Attorney under which this endorsement has been made, and that I consider it sufficient for the purpose."

(Signed) A. B.,

Collector, &c.

6th.—In like manner, when interest is sought to be drawn on a Note for the proprietor by his Attorney, you will call for his Power-of-Attorney, and will enter it in the register, and on the reverse of the Note immediately under the receipt for such interest, in this form—"Interest Power No. —— of ——."

7th.—When a sale is sought to be effected, or interest to be drawn on any Promissory Note, by the Heir, Executor, or Administrator of a deceased proprietor, you will, in the case of that class of persons, not usually designated British subjects, call for a Certificate under Act XX. of 1841, as amended by Acts X. of 1851, and VIII. of 1854, and in the case of British subjects, of Probate or Letters of Administration from the Supreme Court to such Estate, taking care that such Certificate or such Probate or Letters of Administration are granted, in the case of the Certificate, by the Judge of the district, or in the case of Probate, &c., by the Supreme Court of the Presidency within whose limits and jurisdiction the deceased's Estate is situated; and you will register such Certificate, Probate, or Letters of Administration, and enter them on the reverse of the Note immediately under the endorsement, to the validity of which they are to testify, in the form laid down in paragraph 5 of this Circular for the registry of Powers-of-Attorney, changing only the words "Power-of-Attorney" to "Certificate under Act XX. of 1841, as amended by Acts X. of 1851, and VIII. of 1854," or "Probate," &c., as the case may be.

8th.—Your especial attention is requested to Clause 4 of Act VIII. of 1854, which directs that the Promissory Notes, which (under Certificates of Act XX. of 1841, as amended by Act X. of 1851,) Heirs and Administrators may be authorized to negotiate, &c., are to be specified in the Certificate to be so granted.

9th.—Under ordinary circumstances, and unless the right is openly and expressly disputed, property in Promissory Notes, standing or endorsed into the names of more than one proprietor, lapses to the survivor or survivors; but in all cases in which a joint proprietor of a Note is stated to have deceased, proof of decease, either

in the shape of a solemn affidavit or affirmation, made by respectable and uninterested parties, of the knowledge of such decease, before a Justice of the Peace or other Judicial Officer, or of a Burial Certificate, copied from the usual Registers and attested by the proper authority, or of some such satisfactory nature, should be required to be produced, and when produced, should be registered, and an entry made on the Note in the following form, below the signatures of the survivors:—

"Proof of death of ———— registered No. —— of ————."

(Signed) A. B.,
Collector, &c.

The first blank being filled up by the name of the person deceased, the next by the No of the Register kept in the Office of such documents, in the form given in paragraph 5, and the third by the letter under which the entry has been made.

10*th*.—When Promissory Notes stand, or are endorsed into the name of any European female unmarried, the property of such Notes passes on marriage (unless there is proof of any settlement to the contrary) to the husband, and the husband can, on production of the usual Marriage Certificate (such Certificate being a true extract from the Marriage Register, attested by the proper authority) draw interest upon, or otherwise negotiate, Promissory Notes, the property of his wife before her marriage with him. In these cases, the proof of marriage should be registered and an entry made on the back of the Note underneath the husband's signature, in the following form:—

"Certificate of marriage of ———— to ———— registered No. —— of ————."

(Signed) A. B.,
Collector, &c.

The blanks being filled up with the names of wife and husband, and the No. of the Register, in the form given in paragraph 5.

11*th*.—All Powers-of-Attorney, Certificates of Act XX. of 1841, Probates or Letters of Administration of the Supreme Court, proofs of death and marriage, and other documents connected with the transfer, &c. of Promissory Notes, when duly registered, will be endorsed in the following form, and returned to the proprietor or presenter of them:—

"Registered No. ——— of ————."

Zillah }
185 . }

(Signed) A. B.,
Collector, &c.

The blanks being filled up with the No. of the Register, the name of the Zillah, and the date of the Registry. The letter under which each document is to be registered will be the surname of the grantor of the document in the case of a Power-of-Attorney, and with respect to Estates, in that of the name of the deceased: in cases of Certificates of death or marriage, in the names of the persons whom they may respectively affect, and in the register of transfers in the name of the endorsee.

12*th*.—Every erasure of an endorsement should be accompanied by an explanation in writing, to be produced by the proprietor of the Note at the time of its presentation at the Collector's office, and every cancellation of an endorsement should be made under the signature of the proprietor of the Note for the time being.

13*th*.—Attention is required to the following Rules, with reference to powers of Attorney:—

1.—Powers in favor of the Secretary or Agent of a Bank (not a chartered Corporation like the Bank of Bengal,) without specifying such Secretary or Agent by name, are inadmissible.

2.—So also Powers in favor of a house of business, without specifying the individual members at the time composing the house.

3.—Powers, not in favor of A. and B., "jointly and severally," require that both A. and B. should sign in any transactions done in virtue of such Powers.

4.—General Powers, *i. e.* Powers relating to all Notes standing in the name of the grantor, are not supposed to apply to Promissory Notes in which the grantor is interested jointly with others, unless they contain a special Clause to that effect, or a specification of the Notes.

14*th*.—Endorsements, whether for sale or for drawing interest on Promissory Notes, made by native ladies, must be certified to by two respectable witnesses, who must enter their signatures on the reverse of the Notes, and appear before the Officer in charge of the Treasury to testify to the endorsement of the native female, such Officer affixing his signature beneath theirs, in the following form, in proof of their having so testified:—

"Examined before me.

(Signed) A. B.,
Collector, &c."

15*th*.—In addition to the receipts ordinarily taken in duplicate for record, and in support of charge in the Treasury account, care must be taken to see that the signature of the proprietor or of his attorney is affixed on the reverse of the Note to every receipt for the payment of interest, which should run in the following form:

"Received ——— half-year's (or quarter's as the case may be) interest on this Note from ——— to ——— Co.'s Rs. ——— (or Sicca Rs. ——— Co.'s Rs. ———).

(Signed) ———
The Proprietor."

And underneath this receipt the Collector or other Officer should write as follows:—

"Paid by Warrant No. ——, dated ———.

(Signed) A. B.,
Collector, &c."

The blanks in the first form will be filled up by the number of the half-year's or quarter's interest due, the dates from which, and to which, such interest is due, and the amount in Company's Rupees or in Sicca Rupees converted into Company's Rupees.

16*th*.—On *the first* payment of interest being made on a renewed Promissory Note, it will be seen that a certificate of the last payment of interest, made on the old Note, is written on the reverse of the new Note in the following form, attested by the signature of a Covenanted Officer of the Accountant's Office in Calcutta:—

"Interest for the half (or quarter) or up to ——— of ———185 — paid upon this Note.

(Signed) A. B.,
A. A. General.

In like manner, when a note is presented for the payment of interest at your Office, under the usual enfacement, on which interest has before been paid from another Treasury, a similar certificate is required: such certification will be the Collector's guide as to the period from which interest is payable on the Note; and in the event of such certificate having been omitted to be endorsed on the Note in the Accountant's Office at Calcutta, the Note must be returned for such endorsement.

Register of *per cent. Interest, paid at the* *Office in the month*
of *on Promissory Notes of the* *Loan of*

When paid.	Registered No. of the Loan and Amount of Note.		To whom paid.	What half-year's Interest.	Amount of Interest paid.	
	Number.	Amount.				
						N. B.—The Total amount of this Register to be carried on from month to month, till the close of the official year.

Collector.

17*th*.—The rate of batta on Sicca Rupee Notes will be calculated at Rs. 6-10-8 per cent. in all Treasuries in Bengal, Behar and Orissa, and Rs. 4-8-0 per cent. in all Treasuries in the North Western Provinces and the Punjab.

18*th*.—When interest has been paid upon any Note, the amount and usual particulars of such payment will be inserted in the Interest Register, in the form noted in the margin, as directed by Circular Order No. 422, of 8th October 1831; and in order to the speedy checking of such interest payments in the Accountant's Office at Calcutta, it is particularly requested that such Interest Registers may be forwarded to the Accountant's Office as soon after the close of each month as possible.

19*th*.—When Notes are presented by the proprietors, for the purpose of being transmitted to the Accountant's Office at Calcutta, for renewal, the proprietor should be made to endorse them in the following form:—

"Received a renewed note in my name.

(Signed) A. B.,
Proprietor."

And at the time of transmitting such Notes to the Accountant's Office for such renewal, care should be taken that the *originals* of all documents connected with transactions entered on the reverse of the Notes, should, as far as the Collector has it in his power, be forwarded with them for inspection and registry in the Accountant's Office.

20*th*.—A fee of One Rupee is leviable on the renewal of every Promissory Note, which should be transmitted by a Bill on the General Treasury, when the Promissory Note is forwarded for renewal.

21*st*.—Notes of the same Loan, on which interest has been paid up to the same date, may be consolidated or sub-divided at the option of the proprietors, and every Note so to be, consolidated or sub-divided, should be endorsed by the proprietor in one of the following forms:—

"Received in lieu of the within a new Note for Co.'s Rs. ——— by consolidation with Promissory Note No. ———" (mentioning the numbers and amounts of the other Notes desired to be consolidated with it.)

Or—"Received two (or more) Notes in lieu of the within for Co.'s Rs. ——— respectively."

The usual fee of One Rupee is leviable upon each *new* Note issued in consolidation or sub-division.

22*nd*.—Under every endorsement in a native language should be written a full and literal translation of such endorsement.

23*rd*.—As the multiplication of entries thus required on the reverse of Promissory Notes, will, if carelessly made, tend to necessitate the frequent renewal of Promissory Notes, and thereby to impose additional renewal fees on the proprietors, care should be taken to see that every entry is made to take up as small space as possible.

24*th*.—When a Promissory Note is said to have been lost, and the alleged proprietor is desirous of applying for the issue of a duplicate, he should be directed to advertise the loss of the Note three several times in the *Agra* or *Calcutta Gazette*, and in such other public manner as may seem advisable: he should then be required to furnish any proof he may possess of the note having been his property, and this proof, together with the application and proof of the loss having been duly advertized, should be forwarded, for the issue of a duplicate Note, to the Financial Secretary to the Government of India, for submission to Government, and for orders in respect to the issue of the duplicate Note.

25*th*.—Interest will be calculated according to the following Rules, sanctioned by the Government of India in the Financial Department, on the 11th of May 1854:—

1.—Interest to be paid by the month, each month to be taken as one-twelfth of a year, and to consist of thirty days or parts.

2.—In cases where it may be necessary to calculate interest on the fractional parts of a month of thirty-one days, the extra day is to be struck out.

3.—Application of above Rule to present Four per cent. Loan of 1854-55, on which the half-yearly interest falls due on the 31st December and 30th June of each year.

4.—A person subscribing on the 27th October would be entitled to anticipation interest from 27th October to 30th December, for two months and three days, thus:—

5.—From 27th October to 26th December, two months or two-twelfths of a year.

6.—From 27th to 30th December, three days or three-thirtieths of one-twelfth.

7.—A person subscribing to the Loan on the 29th of December, would be entitled to only one day's anticipation interest; on the 30th, he would not be entitled to any.

8.—A person, subscribing to the Three and a half per cent. Loan, on any day in that month, previous to the 28th February 1854, is entitled to interest from the day of subscription to the 27th February, both days inclusive, and for each day he will receive one-thirtieth of one-twelfth—thus, if he subscribes on the 3rd February, he will receive twenty-five-thirtieths, and if on the 1st February twenty-seven-thirtieths of a month's interest.

26*th*—.It is not supposed that the foregoing Rules will meet all cases connected with Promissory Notes, but it is believed that they will be sufficient for the great majority of cases. In cases of doubt, Revenue Officers should apply to the Accountant's Office at Calcutta for information and guidance, forwarding a full statement of each case, together with the Promissory Notes, and all documents connected with them.

27th.—It is particularly requested, that all the registers directed by this Circular to be opened and kept, should be confined to the English Department of your Office.

28th—The Register of Notes, the interest on which is payable from your Treasury, prescribed by Circular Order No. 422, of 8th October 1831, and adverted to in paragraph 2, of this Circular, should be prepared from the advices received from this Office, and kept in the annexed form. A separate register being kept for the Notes of each loan.

Register of Notes of the 5th 4 per Cent. of 1842-43, dated 1st February 1843, interest on which is payable at ————

Number of the Note.	Amount.	No. and Date of Letter authorizing payment of Interest.	REMARKS.
			Here should be entered particulars of letters, cancelling payment of Interest on any notes.

No. 312.—*To all Officers in charge of Treasuries in the North Western Provinces, the Cis and Trans-Sutlej States, and Punjab and Trans-Indus Territory.—Agra, the 21st October* 1854.

I BEG to annex for your information and guidance, copy of a Circular, dated 15th ultimo, No. 795, issued by the Military Accountant at Bombay, to Pay Masters under that Presidency, directing the future transmission direct, to district Officers of the original Registers of Certificates covering remittances made on account men of the Bombay army, to parties residing in the Provinces. You will, accordingly, be pleased to discharge the amount of such certificates, without advice from this office, although in all doubtful cases, or such in which the prescribed list has not been received; a reference should, as usual, be made to this office for instructions, payment being made in the meanwhile, upon adequate security at the discretion of the Treasury Officer.

No. 795.—*To the Military Pay Master at the Presidency.—Bombay Castle, the 15th September* 1854.

IN consequence of a correspondence which has taken place between the Accountant North Western Provinces, Agra, and this Office, on the subject of Remittances from men serving in the Bombay army to parties residing in the North Western Provinces, I have the honor to request that from the 1st proximo, you will, on a remittance being made through your office, forward direct to the Civil Officer from whose Treasury the amount is payable, the *original list* of the remittance embracing all the prescribed particulars, and transmit a duplicate thereof to this office for record.

The Accountant at Agra will instruct the Civil Officers under that Presidency to regard the lists thus sent to them as sufficient authority for discharging the amount shown in the certificate, on the payee appearing to claim it.

No. 313.—*To all Post Masters, North Western Provinces, Punjab and Trans-Indus Territory, and the Cis and Trans-Sutlej States.—Agra, the* 19*th October* 1854.

I HAVE the honor to annex for your information, copy of a Circular No. 829, dated 6th May last, issued by the Officiating Accountant, to the Government of Bengal, to the Post Masters of the Lower Provinces, on the subject of crediting in their cash accounts any postage they may realize on account of the unpaid letters received in London from Ports beyond Sea addressed to India, and to request that you will carry out the instructions therein contained in your own accounts, both as regards the mode of credit, and the opening the memorandum prescribed in the third paragraph to be designated "Postage on unpaid letters received in London from ports beyond Sea."

(COPY.)—No. 829.—*To the Post Masters at Lower Provinces.—Fort William, the* 6*th May* 1854.

HER Majesty's Post Master General, London, with the concurrence of the Honorable the Court of Directors, has given directions that instead of unpaid letters addressed to India, being detained in the General Post Office, London, as heretofore, until postage for them is paid, they should be forwarded to one of three Presidencies when the amount due to the British Post Office should be collected and remitted to England.

2*nd.* With the view of carrying out this arrangement, I have the honor to request, that you will be good enough to credit in your Cash Accounts, any postage you may realize on account of the description of letters in question to the head of "Postage on unpaid letters received in London from ports beyond Sea." Subordinate to the head of "Steam Postage payable to Her Majesty's Government."

3*rd.* You are also requested to open a new memorandum at foot of your Cash Accounts, to be designated "Postage on unpaid letters received in London from ports beyond Sea," similar to that opened for Steam Postage payable to Her Majesty's Government.

4*th.* Should any letters of the kind above stated be received by you viâ Bombay, or Madras, you will credit the postage recovered on such letters to those Presidencies respectively under the subordinate heading above pointed out, the amount of postage on letters remaining undelivered, being distinctly shown in the memorandum of Bombay or Madras Steam Letters.

No. 314.—*To all Officers in charge of Treasuries in the North Western Provinces, the Cis and Trans-Sutlej States, and Punjab and Trans-Indus Territory.—Agra, the* 20*th October* 1854.

I HAVE the honor to communicate for your information and guidance copy of a set of Rules, on the subject of Bills of Exchange, issued or discharged from your Treasury, which have been authorized under the orders of the Government of India, in the Financial Department, dated 24th April 1854, and modified under subsequent orders dated 24th June following.

2*nd* The book form of water-marked paper for Bills, Advices, and Bill margins, will be supplied to you from this office as soon as a supply of suitable water-marked paper can be obtained from England. You will however in the meanwhile indent on the Secretary,* to the Sudder Board of Revenue, North Western Provinces,† and Financial Commissioner at Lahore for a

* N. W. P.
† Punjab.

supply of the new form, sufficient for six months' expenditure, printed on plain paper in substitution of the form of miscellaneous bills now in use, and renew your applications for short terms until water-marked forms can be furnished to you.

3rd. The new form of Bills now prescribed is not intended to supersede those prescribed for Military Officers' and Sepoys' Family Remittances, in my Circular No. 284, dated 28th February 1853, and will therefore affect only such as are issued for miscellaneous purposes, but the rules herewith promulgated, so far as they relate to the course of procedure to be adopted in the payment of Bills and the disposal of Advices, must be considered as applying equally to all Bills drawn on your Treasury and presented for payment.

4th. As connected with the subject of drafts, I beg to add that Pay Masters of Her Majesty's Regiments, in common with all other Military Officers, are subject to the general rule which restricts the grant of drafts from public Treasuries to the period of issue of pay.

RULES REVISED FORM.

I.—Bill margins Bills and their Advices shall be in the annexed form, which is to be one continuous length of water-marked paper. They shall be distributed in the book form, from the Accountant's Office, and when Bills and Advices are separated from the margin, the cutting shall be indented and varied.

II.—The Bill Book or Books shall be in the immediate custody of the Treasurer, who shall give out to the Head Clerk on his receipt such a number of Bills and Advices as may be required for the day's use. The Advice shall be despatched without envelope, and on each daily advice shall be entered the date of the last advice issued.

III.—Collectors and Officers in charge of Treasuries failing to bear in mind the instructions notified in Government Orders, dated the 6th January 1834, will be held personally responsible for any loss consequent on their disregard of them. On opening advices the date of receipt will be noted by the receiving officers and signed in initials. The post mark its place and date, the signature of the despatching officer, the date of bill and of advice, and the signatures on the bill and advice shall all be compared by officers in charge of Treasuries. If the drawer's signature be not fairly legible, the *drawee* may make a reference to the *drawer*, and the *drawer* will be responsible for any loss accruing from that necessity. If erasure or other cause of suspicion exist, the *drawee* may suspend payment and make a reference to the *drawer*, or Accountant or Post Office, or any or all of them, as the case may be. If after the above comparisons and examinations, no circumstances arise to justify suspicion or reference, the bill shall be accepted or ordered to be paid as the case may be, the advice shall be then scored through thus, + and filed with all other advices, and bound up year by year separately, and when the bill is actually paid, the advice shall be stamped PAID, the Treasurer will pay no bill, except on the order "Pay," with initials of the Officer in actual charge of the Treasury; and when paid, the Collector shall score it thus, + and also have it stamped PAID. The actual bill shall be receipted on the back of it by the payee, who must be identified by the Treasurer, before he is paid and gives the above receipt.

Vide Calcutta Gazette, 1'th January 1834, No. 131, page 1295.

No. 315.—*To all Officers in charge of Treasuries in the North Western Provinces, the Cis and Trans-Sutlej States, and Punjab and Trans-Indus Territory.—Agra, the 23rd December* 1854.

I HAVE the honor, with reference to paragraph 5th, of my Circular No. 304, dated 24th August last, to request that you will, in future, submit separate bills for incidental charges incurred by you on account of the receipt, sale or custody of postage labels, to the Post Master General, North Western Provinces, for his counter-signature, previously to including their amounts in your Revenue Contingent Bills for audit, and charge in the manner therein prescribed.

No. 316.—*To all Officers in charge of Treasuries in the North Western Provinces, the Cis and Trans-Sutlej States, and Punjab and Trans-Indus Territory.—Agra, the 28th December* 1854.

WITH reference to Circular No. 1778, dated 10th October last, issued direct from the Loan Office of the Accountant General at Fort William, for the guidance of Treasury Officers, I have the honor to request that you will consider the form of "Register of Interest" prescribed in Appendix No. XI. of the Accountant's Manual, as hereby cancelled. You will, however, as directed in the first paragraph of the Circular in question, be pleased to obtain your future supplies of forms of register, from the Superintendent of the Government Lithographic Press at Calcutta; indenting for them in such quantities, as will serve the purposes of local registry, and enable you also to furnish transcripts, both to the Accountant General at Fort William, and to this office. Blank registers, although not required by the Accountant General, must continue to be forwarded to this office (when there are no subscriptions) in accordance with, and under the circumstance referred to in paragraph 7 on page 4 of the Accountant's Manual.

ACTS AND ORDERS

ISSUED IN THE

NORTH WESTERN PROVINCES,

DURING THE YEAR 1855.

Re-published from the Agra Government Gazette,

BY ORDER OF

THE HON'BLE THE LIEUTENANT-GOVERNOR, NORTH WESTERN PROVINCES.

AGRA:

PRINTED AT THE SECUNDRA ORPHAN PRESS.

1856.

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ACTS AND ORDERS

FOR THE

NORTH WESTERN PROVINCES.

ACTS.

ACT No. II. OF 1855.

An Act for the further improvement of the Law of Evidence.

WHEREAS it is expedient further to improve the Law of Evidence, It is enacted as follows:—

Preamble.

Act repealed.

I.—Act No. X. of 1835 is hereby repealed.

Judicial notice to be taken of all Acts and Regulations.

II.—Within the territories in the possession and under the Government of the East India Company, all Courts of Justice and all persons having by law or consent of parties authority to take evidence shall take judicial notice of all Regulations and Ordinances made before or on the 22nd day of April 1834 by the Governor General in Council of the Presidency of Fort William in Bengal, by the Governor in Council of the Presidency of Fort St. George, or by the Governor in Council of the Presidency of Bombay, and having the force of Law in any part of the said territories, and of all Laws and Regulations heretofore made by the Governor General of India in Council, and of this Act, and of all Acts and Regulations heretofore made, or hereafter to be made by the Governor General of India in Council, constituted for the purpose of making Laws and Regulations, whether the same be of a public or of a private nature.

Judicial notice to be taken of public Acts of Parliament.

What shall be *primâ facie* proof of a private Act.

III.—All Courts and persons aforesaid shall take judicial notice of all public Acts of Parliament and of all local and personal Acts declared by Parliament to be public and to be judicially noticed, and shall admit as *primâ facie* evidence of any private Act of Parliament, any copy thereof purporting to be printed by the King's Printer.

Judicial notice to be taken by Court of its own Officers, &c.

IV.—Every Court shall take judicial notice of its own Members and Officers respectively, and of their deputies and subordinate Officers or Assistants, and also of all Officers acting in execution of its process, and of all Advocates, Attornies, Proctors, Vakeels, Pleaders, and other persons authorized by law to act before it.

Judicial notice to be taken of the names, titles, &c. of certain persons.

V.—All Courts and persons aforesaid shall take judicial notice of the names, titles, and authorities of the persons filling for the time being any one of the following offices in any part of the said territories:—Governor General, Governor, Lieutenant-Governor or Deputy Governor, Secretary, or Under-Secretary to Government, Com-

mander-in-Chief, Bishop, Member of Council, Legislative Councillor, Judge of any of Her Majesty's Courts or of any Sudder Court, or of any Court of Judicature hereafter to be constituted in the said territories, to or in which the powers of any of Her Majesty's Supreme Courts may be transferred or vested.

Judicial notice to be taken of divisions of time, place, &c.

VI.—All such Courts and persons aforesaid shall take judicial notice of all divisions of time, of the geographical divisions of the world, of territories under the dominion of the British Crown, of the commencement, continuation and termination of hostilities between the British Crown and any other State, and also of the existence, title and national flag of every Sovereign or State recognized by the British Crown. In all the above cases, such Court or person may resort for its aid to appropriate Books or documents of reference.

Proof of *Government Gazette.*

VII.—Any *Government Gazette* of any Country, Colony, or dependency under the dominion of the British Crown, may be proved by the bare production thereof before any of the Courts or persons aforesaid.

Proof of Proclamation, Acts of State, &c.

Proclamations, &c. when to be *primâ facie* proof of facts.

VIII.—All Proclamations, Acts of State, whether Legislative or Executive, nominations, appointments, and other official communications of the Government appearing in any such *Gazette,* may be proved by the production of such *Gazette,* and shall be *primâ facie* proof of any fact of a public nature which they were intended to notify.

Recital in Act of a fact of a public nature to be *primâ facie* proof.

IX.—Any recital contained in any Act of the Governor General of India in Council, constituted for the purpose of making Laws and Regulations hereafter to be passed of any fact of a public nature, shall be deemed, before all such Courts and persons, to be *primâ facie* evidence of the truth of the fact recited.

Gazette, &c., containing advertisement purporting to be published by authority, to be *primâ facie* evidence of such authority.

X.—The *Gazette* or Newspaper containing any advertisement purporting to be published by virtue of any public Statute, Act, Regulation or Ordinance, or of any Rule or Order of a Court of Justice or of any Board or Officer of Revenue, may be received by any such Courts or persons as aforesaid as *primâ facie* evidence that such advertisement was published duly under the authority from which it purports to proceed.

Books, Maps, &c., to be evidence in matters of public history, &c.

XI.—All Courts and persons aforesaid may, on matters of public History, Literature, Science, or Art, refer, for the purposes of evidence, to such published Books, Maps, or Charts as such Courts or persons shall consider to be of authority on the subject to which they relate.

What Books, &c. shall be evidence of Foreign Law.

XII.—Books printed or published under the authority of the Government of a Foreign Country and purporting to contain the Statutes, Code, or other written Law of such Country, and also printed and published Books of reports of decisions of the Courts of such Country, and books proved to be commonly admitted in such Courts as evidence of the Law of such Country, shall be admissible before any such Courts or persons as aforesaid as evidence of the law of such Foreign Country.

Government or public maps when to be *primâ facie* proof.

XIII.—All Maps made under the authority of Government or of any public municipal body, and not made for the purpose of any litigated question, shall *primâ facie* be deemed to be correct, and shall be admitted in evidence without further proof.

Persons incompetent to testify.

XIV.—The following persons only shall be incompetent to testify:

1.—Children under seven years of age, who appear incapable of receiving just impressions of the facts respecting which they are examined, or of relating them truly.

Children.

2.—Persons of unsound mind, who, at the time of their examintion, appear incapable of receiving just impressions of the facts respecting which they are examined, or of relating them truly; and no person who is known to be of unsound mind shall be liable to be summoned as a witness, without the consent previously obtained of the Court or person before whom his attendance is required.

Insane persons.

Not to be summoned without leave of Court.

XV.—Any person who, by reason of immature age or want of religious belief, or who by reason of defect of religious belief, ought not, in the opinion of such Court or person, to be admitted to give evidence on oath or solemn affirmation, shall be admitted to give evidence on a simple affirmation, declaring that he will speak the truth, the whole truth, and nothing but the truth.

Children and persons of defective religious belief to testify on simple affirmation.

XVI.—The provisions in the last preceding Section as to witnesses shall apply to testimony given by affidavit or otherwise in writing, as well as to testimony orally delivered.

Provisions as to witness to apply to affidavits, &c.

XVII.—Any such witness wilfully giving false evidence shall be subject to be proceeded against in like manner, and to suffer, if convicted, the same punishment as if he had been sworn and had committed wilful and corrupt perjury. The indictment or charge shall be varied so as to meet the case.

Punishment for giving false evidence.

XVIII.—No person shall, by reason of any interest in the result of any suit or of any interest connected therewith, or by reason of relationship to any of the parties thereto, be incompetent to give evidence in such suit.

No incompetency from interest in suit.

XIX.—Any party to a civil suit or other proceeding of a civil nature shall be competent and may be compelled to give evidence as a witness therein, either on his own behalf or on behalf of any other party to the suit or proceeding; and also to produce any document in his possession or power, in the same manner as if he were not a party to the suit or proceeding. Provided that no Court or person as aforesaid, other than Her Majesty's Supreme Courts of Judicature, shall compel the attendance of any party to such suit or proceeding, for the purpose of giving evidence therein, except under and subject to the rules prescribed in that behalf in Act XIX. of 1853.

Party to suit may be examined as a witness.

Proviso.

XX.—A husband or wife shall in every civil proceeding be competent to give evidence for or against each other. Provided that any communication made by husband or wife to the other during their marriage shall be deemed a privileged communication and shall not be disclosed without the consent of the person making the same, unless such communication shall relate to a matter in dispute in a suit pending between such husband and wife.

Husband or wife giving evidence.

Proviso.

XXI.—A witness, whether a party or not, shall not be bound to produce any document relating to affairs of State, the production of which would be contrary to good policy, nor any document held by him for any other person who would not be bound to produce it if in his own possession.

Witness, &c., not bound to produce document relating to State affairs.

XXII.—A witness being a party to the suit shall not be bound to produce any document in his possession or power which is not relevant or material to the case of the party requiring its production, nor any confidential writing or correspondence which may have passed between

Party to suit not bound to produce certain documents.

him and any legal professional adviser. If any party however offer himself as a witness, he shall be bound to produce any such writing or correspondence in his custody, possession, or power, if relevant or material to the case of the party requiring its production.

Unless he offers himself as a witness.

XXIII.—Every witness summoned to produce a document shall, if the same be in his custody, possession, or power, be bound to bring it, or cause it to be brought into Court, although there be a valid objection to the right of the party calling for it to compel its production or to the reading or putting it in as evidence, or to the disclosure of the contents thereof, the validity of any such objection made by the person producing the document shall be determined by the Court; and for the better determination thereof, it shall be lawful for the Court to receive any admissible evidence, which the person producing the document may give respecting it, and it shall also be lawful for the Court, except in the case of any document relating to affairs of State, to inspect the document, and, if necessary, to call to its assistance any person whom it may appoint to interpret the same. Such person, however, shall be previously sworn truly to interpret the same to the Court alone, and not to disclose the contents thereof except to the Court, unless the Court shall order the document to be given in evidence.

Witness summoned to produce a document must bring it into Court.

Mode of determining objection to production.

Document relating to affairs of State.

XXIV.—A Barrister, Attorney, or Vakeel shall not, without the consent of his client, disclose any communication made by the client to him in the course of his professional employment, nor any advice given by him professionally to his client, nor the contents of any document of his client, the knowledge of which he shall have acquired in the course of his professional employment. The privilege, however, is that of the client, and if any party to a suit shall give evidence therein, at his own instance, he shall be deemed thereby to have waived his privilege, and to have consented to the disclosure by such Barrister, Attorney, or Vakeel, of any matter as aforesaid, which may be relevant, and which the Barrister, Attorney, or Vakeel would have been bound to disclose, but for the privilege of his client, and the Barrister, Attorney, or Vakeel shall be bound upon examination to disclose any such matter.

Professional communications.

XXV.—Any person present in Court, whether a party or not, may be called upon and compelled by the Court to give evidence, and produce any document then and there in his actual possession, or in his power, in the same manner and subject to the same rules as if he had been summoned to attend and give evidence, or to produce such document, and may be punished in like manner for any refusal to obey the order of the Court.

Persons present in Court to give evidence, &c. though not summoned.

XXVI.—Any person, whether a party to the suit or not, may be summoned to produce a document without being summoned to give evidence, and any person summoned merely to produce a document, shall be deemed to have complied with the summons, if he cause such document to be produced instead of attending personally to produce the same.

Persons summoned to produce a document not bound to attend personally.

XXVII.—The Rules of Evidence in Her Majesty's Supreme Courts as to matters of Ecclesiastical or Admiralty Civil Jurisdiction, shall be the same as they are on the Plea side of the said Courts.

Rules of Evidence in Supreme Courts on Ecclesiastical and Admiralty sides.

XXVIII.—Except in cases of treason, the direct evidence of one witness, who is entitled to full credit, shall be sufficient for proof of any fact in any such Court or before any such person. But this provision shall not affect any rule or practice of any Court that requires corroborative evidence in support of the testimony of an accomplice or of a single witness in the case of perjury.

Evidence of one witness sufficient proof.

Proviso.

Dying declarations when admissible.

XXIX.—Where dying declarations are evidence they shall be received, if it be proved that the deceased was at the time of making the declaration, and then thought himself to be in danger of approaching death, though he entertained, at the time of making it, hope of recovery.

Party allowed to cross-examine and discredit his own witness.

XXX.—The party at whose instance a witness is examined may, with the permission of such Court or person, cross-examine such witness, to test his veracity, in the same manner as if he had not been called at his instance, and may be allowed to show that the witness has varied from a previous statement made by him.

Former statement admissible to corroborate a witness.

XXXI.—In order to corroborate the testimony of a witness, any former statement made by such witness, relating to the same fact, at or about the time when the fact took place, or before any authority legally competent to investigate the fact, shall be admissible, and for that purpose a copy of any deposition or statement taken before any Court, Judge, Justice of the Peace, Magistrate, or person lawfully exercising the powers of a Magistrate, or before a Commissioner or Superintendent for the Suppression of Thuggee or Dacoity in the discharge of his duty, shall, if certified by such Court, Judge or other Officer above-mentioned, under his hand or the Official Seal of the Court, or under the hand or Official Seal of such Judge, to be a true copy of such deposition or statement, without further proof, be received as *primâ facie* evidence that such deposition or statement was made, and that it was made at the time and place, and under the circumstances, if any, which shall be stated in the certificate or on the face of the deposition or statement.

Witness bound to answer criminating questions.

XXXII.—A witness shall not be excused from answering any question relevant to the matter in issue in any suit or in any Civil or Criminal proceeding, upon the ground that the answer to such question will criminate, or may tend, directly or indirectly, to criminate such witness, or that it will expose, or tend, directly or indirectly, to expose such witness to a penalty or forfeiture of any kind. Provided that no such answer, which a witness shall be compelled to give, shall, except for the purpose of punishing such person for wilfully giving false evidence upon such examination, subject him to any arrest or prosecution, or be used as evidence against such witness in any criminal proceeding.

Proviso.

Witness may be examined as to conviction for felony.

XXXIII.—A witness in any cause may be questioned as to whether he has been convicted of any felony or misdemeanor, and upon being so questioned, if he either denies the fact or refuses to answer, it shall be lawful for the opposite party to prove such conviction.

Cross-examination as to previous written statements.

XXXIV.—A witness may be cross-examined as to previous statements made by him in writing, or reduced into writing, relative to the subject-matter of the cause, without such writing being shown to him; but if it is intended to contradict such witness by the writing, his attention must, before such contradictory proof can be given, be called to those parts of the writing which are to be used for the purpose of so contradicting him. Provided always, that it shall be competent for the Judge, at any time during the trial, to require the production of the writing for his inspection, and he may thereupon make such use of it for the purposes of the trial as he shall think fit.

Proviso.

Copy of a document made by a copying machine to be deemed correct.

XXXV.—An impression of a document made by a copying machine shall be taken without further proof to be a correct copy.

Admission of secondary evidence where original document is out of the reach of process.

XXXVI.—When an original document is out of the reach of the process of the Court, it shall be lawful for the Court, on application to it in any Civil suit or proceeding, and on notice to the opposite party at a reasonable time before the hearing, to make an order for the reception of secondary evidence of its execution and contents.

When attested document may be proved as if unattested.

XXXVII.—An attested document may be proved as if unattested, unless it be a document to the validity of which attestation is requisite.

Admission *primâ facie* proof of an attested document.

XXXVIII.—The admission of a party to an attested instrument of its execution by himself shall be as against him sufficient *primâ facie* proof of such execution of it, though it be an instrument which is required by law to be attested.

Entry made against interest or in course of business when admissible in lifetime of person making it.

XXXIX.—Any entry or statement, which would be admissible in evidence after the death of the person who made it, on the ground of its having been made against the interest of the person making it, or on the ground of its having been made in the ordinary course of business, shall be admissible, though the person who made it be not dead, if he is incapable of giving evidence by reason of his subsequent loss of understanding, or is at the time of the trial or hearing *bonâ fide* and permanently beyond the reach of the process of the Court, or cannot after diligent search be found.

Entry in course of business when admissible for purpose of identification.

XL.—Any entry in any books proved to have been regularly kept in the course of business or in any public office, so far as such entry merely refers to and tends to identify by name, description, number or otherwise any Bank Notes or other Securities for the payment of money, or other property, and the payer-in or receiver of them, shall, in any case where such identification is necessary to be proved, be admissible in evidence for that limited purpose if it shall appear to have been made at or about the time of the transaction to which it relates, though the person who made it, or he on whose information it was made, is alive and capable of being produced as a witness.

Receipt when evidence against person other than the giver.

XLI.—Any receipt in writing, acknowledging the receipt of any money, valuable securities or goods, shall, on proof of the execution thereof, be admissible in evidence before such Court or person aforesaid, not only against the party giving it, but also against any person in whose favor such receipt would operate as a discharge, or to whom it would render the person giving it liable for the money, security or goods acknowledged to have been received.

Receipt of agent.

XLII.—Whenever a receipt would be admissible under the preceding Section, if given by a principal, a receipt given by an agent or servant of such principal shall in like manner be evidence upon proof of the authority to give such receipt.

Books kept in course of business or in a public office admissible as corroborative evidence.

XLIII.—Books proved to have been regularly kept in the course of business or in any public office shall be admissible as corroborative, but not as independent proof of the facts stated therein

Documents admissible as corroborative evidence.

XLIV.—The following documents may be admitted as corroborative evidence:—Certificates of shares, and of registration thereof, bills of lading, invoices, account sales, receipts usually given on the payment, deposit or delivery of money, goods, securities, or other things, provided they be proved to have been given in the ordinary course of business.

Refreshing memory of witness.

XLV.—A witness shall be allowed before any such Court or person aforesaid to refresh his memory by any writing made by himself or by any other person at the time when the fact occurred, or immediately afterwards, or at any other time when the fact was fresh in

his memory, and he knew that the same was correctly stated in the writing. In such case the writing shall be produced and may be seen by the adverse party, who may, if he choose, cross-examine the witness upon it.

Court may permit a copy of document to be used to refresh memory.

XLVI.—Whenever a witness may refresh his memory by reference to any document, he may, with the permission of the Court, refer to a copy of such document, provided the Court or person, under the circumstances, be satisfied that there is sufficient reason for the non-production of the original.

Declarations of illegitimate persons, &c., admissible in questions of pedigree.

XLVII.—In cases of pedigree, the declarations of illegitimate members of the family, and also of persons who, though not related by blood or marriage to the family, were intimately acquainted with its members and state, shall be admissible in evidence after the death of the declarant, in the same manner and to the same extent as those of deceased members of the family.

Comparison of hand-writing, &c.

XLVIII.—On an inquiry whether a signature, writing or seal is genuine, any undisputed signature, writing or seal of the party, whose signature, writing or seal is under dispute, may be compared with the disputed one, though such signature, writing or seal be on an instrument which is not evidence in the cause.

Proof of Power of Attorney.

XLIX.—Any Power of Attorney, which has been executed at a place distant more than 100 miles from the place wherein the action, suit or proceeding is depending, may be proved by the production of it, without further proof, where it purports, on the face of it, to have been executed before, and authenticated by a Notary Public or any Court, Judge, Consul or Magistrate.

Proof of dispatch of letter by Letter Book.

L.—Whenever it is proved that a Letter Book is kept, and that, according to the usual course of business, letters are copied into such book and dispatched, and the Letter Book is produced, and it is proved that the letter was dispatched according to the usual practice, to the best of the knowledge and belief of the witness, having reasonable ground for forming that belief, the Court may presume the dispatch of that letter according to the usual course of business.

What to be *primâ facie* proof of receipt of letter.

LI.—Any book proved to have been kept for marking the dispatch and receipt of letters, containing an entry of the dispatch of a letter, and an acknowledgment of the receipt of such letter, shall, on proof that such entry was made in the usual course of business, be *primâ facie* evidence of the receipt of such letter.

Repeal of part of Section VI. of Act XV. of 1852.

LII.—So much of Section VI. of Act XV. of 1852 as provides that every such application as therein mentioned shall be made before issue joined in any such action, or twenty-one days before the trial or hearing of any other legal proceeding as therein mentioned, is hereby repealed.

Extension of Section XV. of Act VI. of 1854.

LIII.—The provision contained in the 16th Section of Act VI. of 1854, that affidavits of particular witnesses, or affidavits as to particular facts or circumstances, may, by consent of the parties, or by leave of the Court obtained upon notice, be used in the hearing of any cause on the Equity side of the Supreme Courts, shall extend to all Civil actions, suits and proceedings on all sides of the Courts.

Extension of Section XVII. of Act VI. of 1854.

LIV.—So much of the 17th Section of the same Act as provides that, upon the hearing of any motion, petition or other proceeding in any of the said Supreme Courts, the Court may, upon the application of any of the parties thereto, or of its own accord, require and

enforce the attendance and oral examination before itself of any witness or of any party to the suit, and may also require and enforce the production of any document or documents, and may direct the costs of the attendance and examination of such witness or party to be paid by such of the parties to the suit, or in such manner as it may think fit, shall extend to all civil actions, suits and proceedings on all sides of the said Court.

Section XXXIII. of Act VI. of 1854 extended.

LV.—The 33rd Section of the Act No. VI. of 1854, which applies only to proof of accounts on the Equity side of the said Supreme Courts, shall extend to and embrace all accounts directed to be taken on any side of the said Courts.

Proof of official documents.

LVI.—Whenever, by any Statute or Act, Regulation or Ordinance now in force, or any Statute or Act to be hereafter in force, any Certificate, certified copy, or other document, shall be receivable in evidence of any particular in any Court of Justice, the same, if it is substantially in the form and purports to be executed in the manner directed by the Statute, Act, Regulation, or Ordinance which makes it evidence, shall be *primâ facie* evidence, where it is rendered admissible, without proof of any seal, stamp, signature, character or authority, which it is directed to have, or from which it is directed to proceed.

No new trial for rejection or improper reception of evidence.

LVII.—The improper admission or rejection of evidence shall not be ground of itself for a new trial or reversal of any decision in any case, if it shall appear to the Court before which such objection is raised, that, independently of the evidence objected to and admitted, there was sufficient evidence to justify the decision, or that, if the rejected evidence had been received, it ought not to have varied the decision.

Act not to render inadmissible evidence now admitted in the Company's Court.

LVIII.—Nothing in this Act contained shall be so construed as to render inadmissible in any Court any evidence which, but for the passing of this Act, would have been admissible in such Court.

The 2nd February 1855.

Act No. VIII. of 1855.

An Act to amend the law relating to the office and duties of Administrator General.

Preamble.

Whereas it is expedient to amend the law relating to the office and duties of Administrator General, It is enacted as follows:—

Designation of the Administrators General in the three Presidencies.

I.—In each of the Presidencies of Fort William in Bengal, Fort St. George and Bombay, there shall be an Administrator General. The said Administrators General shall be called respectively the Administrator General of Bengal, the Administrator General of Madras, and the Administrator General of Bombay.

Appointment, suspension and removal of Administrators General.

II.—Such officers shall be appointed and may be suspended or removed by the authorities hereinafter mentioned respectively, that is to say,

The Administrator General of Bengal, by the Governor General of India in Council.

The Administrator General of Madras, and the Administrator General of Bombay, by the Governments of those Presidencies respectively.

Continuance of existing incumbents.

III.—Any person now holding the office of Administrator General at any of the said Presidencies, shall continue to hold the same, subject to the provisions of this Act.

Administrator General not to be deemed an officer of the Supreme Court.

IV.—The Administrator General shall not be deemed in that capacity to be an officer of the Supreme Court.

Letters of administration granted to the Ecclesiastical Registrar of the Madras Supreme Court since Act II. of 1850. and Estates, &c., transferred to Administrator.

V.—All letters of administration, which, since the passing of Act No. II. of 1850, have been granted by the Supreme Court of Judicature at Fort St. George to the Ecclesiastical Registrar of that Court in virtue of his office, and all estates, effects and interests, books, papers and documents, now vested in, or belonging to the said Ecclesiastical Registrar, or under his control, by virtue of any such letters of administration, are by this Act transferred to and vested in him as Administrator General of that Presidency, and such letters of administration shall have the same effect in all respects as to any act hereafter to be done or required to be done under this Act as if they had been granted to him as Administrator General.

The present Administrator General of Madras may hold the office of Ecclesiastical Registrar.

Otherwise no Administrator General to be Ecclesiastical Registrar.

Administrator General not to hold any other office without sanction of Government.

Proviso.

VI.—The two offices of Ecclesiastical Registrar of the Supreme Court and Administrator General may be held by the present Administrator General at the Presidency of Fort St. George. With that exception, no person now holding the office of Administrator General, or hereafter to be appointed to such office, in any of the said Presidencies, shall hold the office of Ecclesiastical Registrar, nor, without the express sanction of Government, any other office, together with that of Administrator General. Provided that nothing in this Act shall prevent the present Administrator General of Bengal from holding the office of Receiver of the Supreme Court of Judicature now held by him.

Security to be given by Administrator General.

VII.—Unless the Governor General of India in Council or the Government with the sanction of the Governor General of India in Council shall otherwise order, every Administrator General hereafter to be appointed shall give security to the East India Company for the due execution of his office, for one lakh of Rupees by his own bond and for another lakh of Rupees, or for separate sums amounting together to one lakh of Rupees, by the deposit of Government Securities or by the joint and several bond or bonds of two or more sureties to be approved by Government, or partly by such deposit and partly by such bond or bonds; provided that every Administrator General may, with the consent of Government, substitute either of the said two last-mentioned kinds of security for another previously given for such last-mentioned lakh or any part of it; and every Administrator General may, with the consent of Government, and shall from time to time, when required by Government so to do, cause fresh sureties to be substituted for any of those previously bound so far as the security shall relate to the due execution of his office for the time then to come.

Substitution of Security or Sureties.

No Security to be required by Supreme Court on grant of letters to Administrator General.

VIII.—No Administrator General shall be required by the Supreme Court to enter into any administration bond, or to give other security to the Court, on the grant of any letters of administration to him in virtue of his office.

Administrator General entitled to letters of administration, unless granted to next of kin of deceased.

IX.—Any letters of administration, or letters *ad colligenda bona*, which shall hereafter be granted by the Supreme Court of Judicature at any of the said Presidencies, shall be granted to the Administrator General of the Presidency, unless they shall be granted to the next of kin of the deceased; and it is hereby declared that the Administrator General of the Presidency shall be deemed to

Administrator General entitled in preference to creditor or friend.

have a right to letters of administration in preference to that of any person merely on the ground of his being a creditor or friend of the deceased.

Construction of words "next of kin."

Ecclesiastical Registrar not to be entitled to administration by reason of his office.

X.—The words "next of kin" shall be deemed throughout this Act to include a widower or widow of the deceased, or any other person who, by law and according to the practice of the Courts, would be entitled to letters of administration in preference to a creditor of the deceased. Provided that no Ecclesiastical Registrar or other Officer of any of the said Courts, shall, by reason of his office, be deemed entitled to any letters of administration or *ad colligenda bona*, or have any grant thereof made to him.

When administration of estates of persons other than Mahomedans or Hindoos is to be by Administrator General.

Proviso as to assets under Act XX. of 1841.

XI.—If any person, not being a Mahomedan or Hindoo, shall have died, whether within any of the said Presidencies or not, and whether before or after the passing of this Act, and shall, if a British subject, have left assets exceeding the value of five hundred Rupees within any of the said Presidencies, or any of the Provinces or places subject thereto, or shall, if not a British subject, have left personal assets exceeding five hundred Rupees within the local limits of the jurisdiction of the Supreme Court of Judicature at any of the said Presidencies, and no person shall, within one month after his death, have applied for probate of a will, or for any letters of administration of his estate, the Administrator General of the Presidency in which such assets shall be is hereby required, within a reasonable time after he shall have had notice of the death of such person, and of his having left such assets as aforesaid, to take such proceedings as may be necessary to obtain from the Supreme Court of Judicature at such Presidency letters of administration to the effects of such person, either generally or with a will annexed, as the case may require. Provided that assets, which any person may be entitled to collect, receive, or dispose of, by virtue of a certificate granted under Act XX. of 1841, shall not be deemed assets within the meaning of this Section.

Upon death of any person leaving assets within local limits, the Court may, if assets are in danger, direct Administrator General to apply for administration.

XII.—Whenever any person, whether a Mahomedan or Hindoo or not, shall die leaving assets within the local limits of the jurisdiction of Her Majesty's Supreme Court of Judicature at any of the said Presidencies, it shall be lawful for the Court upon the application of any person interested in such assets or in the due administration thereof, either as a creditor, next of kin or otherwise, or upon the application of a friend of any infant who may be so interested, or upon the application of the Administrator General, if the applicant shall satisfy the Court that danger is to be apprehended of the misappropriation of such assets, unless letters of administration of the effects of such person are granted, to make an order directing the Administrator General to apply for letters of administration of the effects of such person.

Repeal of Section XX., Act XIX. of 1841.

XIII.—Section XX., Act No. XIX. of 1841 is hereby repealed, except as to acts done and except as to any case in which an order shall have been made before the commencement of this Act.

Upon death of any person leaving property within local limits, Court may, if property is in danger, enjoin Administrator General to collect and hold the same until right of succession or administration is ascertained.

XIV.—Whenever any person, whether a Mahomedan or Hindoo or not, shall have died leaving movable or immovable property within the local limits of the jurisdiction of any of Her Majesty's Supreme Courts of Judicature, and such Court shall be satisfied that danger is to be apprehended of the misappropriation or waste of such property, before it can be ascertained who may be legally entitled to

the succession to such property, or whether the Administrator General is entitled to letters of administration to such deceased person, it shall be lawful for the Court to authorize and enjoin the Administrator General to collect and take possession of such property and to hold or deposit or invest the same according to the orders and directions of the Court, and in default of any such orders or directions, according to the provisions of this Act so far as the same are applicable to such property; and the Administrator General shall be entitled to a commission of one per cent. upon the amount of all personal assets collected or received by him in pursuance of such order; and in case letters of administration of any such effects shall be afterwards granted to the Administrator General, the said commission of one per cent. shall be deemed a part payment of the commission payable to the Administrator General under the letters of administration. Any order of Court made under the provisions of this Section shall entitle the Administrator General to collect and to take possession of such property, and if necessary, to maintain an action for the recovery thereof.

Rate of Commission payable in such case.

Administrator General may be Official Trustee under Act XVII. of 1843.

XV.—The Administrator General of the Presidency may be appointed an Official Trustee under Act No. XVII. of 1843.

Probate to be granted to executor appearing in the course of proceedings taken by Administrator General to obtain administration.

XVI.—If in the course of proceedings to obtain letters of administration under the provisions of Section XI. or Section XII. of this Act, any executor appointed by a will of the deceased shall appear according to the practice of the Court and prove the will and accept the office of executor, or if any person shall appear according to such practice and make out his claim to letters of administration as next of kin of the deceased, and shall give such security as shall be required of him by law or by the practice of the Court, the Court shall grant probate of the will or letters of administration accordingly, and shall award to the Administrator General his costs of the proceedings so taken by him, to be paid out of the estate, as part of the testamentary expenses thereof.

Costs of proceedings taken by the Administrator General to be paid out of the estate.

If no executor or next of kin appear or give necessary security, letters of administration to be granted to Administrator General.

XVII.—If no person shall appear according to the practice of the Court, and entitle himself to probate of a will, or to a grant of letters of administration, as next of kin of the deceased, or if the person who shall entitle himself to a grant of administration shall neglect to give such security as shall be required of him by law or according to the practice of the Court, the Court shall grant letters of administration to the Administrator General. Provided that, in the case of an application being made under Section XII. of this Act for letters of administration to the effects of a deceased Mahomedan or Hindoo, the Court may refuse to grant letters of administration to any person if it be satisfied that such grant is unnecessary for the protection of the assets, and in such case the said Court shall make such order as to the costs of the application as it shall think just.

Administration to effects of deceased Mahomedans or Hindoos not to be granted under Section XII. unless required to protect the assets.

Costs of unnecessary application.

Administrator General not precluded from applying for letters of administration in any case within one month after death of deceased.

XVIII.—Nothing in this Act is intended to preclude the Administrator General from applying to the Court for letters of administration in any case within the period of one month from the death of the deceased.

After revocation, letters of administration granted to Administrator General to be deemed as to him to have been voidable only.

XIX.—If any letters of administration, which shall be granted to the Administrator General under the provisions of this Act, shall be revoked or recalled, the same shall, so far as regards the Administrator General and all persons acting under his authority in pursuance thereof, be deemed to have been only voidable, except as to any act done by any such Administrator General or other person as aforesaid, after notice of a will or of any other fact which would render such letters of administration void. Provided that no notice of a will or of any other fact which would render any such letters of administration void shall affect the Administrator General or any person acting under his authority in pursuance of such letters of administration, unless within the period of one month from the time of giving such notice proceedings be commenced to prove the will or to cause the letters of administration to be revoked, nor unless such proceedings be prosecuted without unreasonable delay.

Exception.

Proviso.

What payments made or acts done by Administrator General prior to revocation of administration upon production of a will, shall be deemed valid.

XX.—If any letters of administration, which shall be granted under this Act, shall be revoked upon the production and proof of a will, all payments made or acts done by or under the authority of the Administrator General in pursuance of such letters of administration prior to the revocation thereof, which would have been valid under any letters of administration lawfully granted to him with such will annexed, shall be deemed valid, notwithstanding such revocation.

In what cases Court may recall Administrator General's administration, and grant probate, &c. to executor or next of kin.

XXI.—If an executor or next of kin of the deceased, who shall not have been personally served with a citation, or had notice thereof in time to appear in pursuance thereof, shall establish to the satisfaction of the Court a claim to probate of a will or to letters of administration in preference to the Administrator General, any letters of administration which shall be granted by virtue of this Act to the Administrator General, may be recalled and revoked, and probate may be granted to such executor, or letters of administration granted to such other person as aforesaid. Provided that no letters of administration, which shall be granted to the Administrator General, shall be revoked or recalled for the cause aforesaid, except in cases in which a will or codicil of the deceased shall be proved, unless the application for that purpose shall be made within one year after the grant to the Administrator General, and the Court shall be satisfied that there has been no unreasonable delay in making the application, or in transmitting the authority under which the application shall be made.

Unless a will is proved, application to revoke such administration must be made within one year and without needless delay.

Costs of obtaining administration, commission, &c. may, on revocation, be ordered by Court to be paid to the Administrator General out of the assets.

XXII.—If any letters of administration, which shall be granted to the Administrator General in pursuance of this Act, shall be revoked, the Court may order the costs of obtaining such letters of administration and the whole or any part of any commission which would otherwise have been payable under this Act, together which the costs of the Administrator General in any proceedings taken to obtain such revocation, to be paid to or retained by the Administrator General out of any assets belonging to the estate.

After one year from grant of administration, distribution of assets by Administrator General to be allowed against all claims of which he had no notice.

XXIII.—Any payment or delivery of assets to any legatee, or to any person entitled in distribution, which shall be made by an Administrator General after the expiration of one year from the grant of the letters of administration under which such payment or delivery shall be made, shall be allowed to the Administrator General as against all creditors and other claimants against the estate,

of whose debts or claims he shall not have had notice before making such payment or delivery. Provided that nothing herein contained shall exempt the person to whom such payment or delivery shall be made, from any liability to refund to which he would otherwise be liable, and provided also that no notice of any debt or claim shall affect the Administrator General unless proceedings to enforce the debt or claim be commenced within one month after the giving of such notice and be prosecuted without unreasonable delay.

Person receiving payments liable to refund.

What to be notice of debt or claim.

XXIV.—All letters of administration, which shall be granted to any Administrator General in virtue of his office, shall be granted to him by his name of office, and all letters of administration heretofore granted to the Ecclesiastical Registrar or Administrator General officially, or which shall be granted to any Administrator General in virtue of his office, shall authorize the Administrator General for the time being of the same Presidency to act as Administrator of the estate to which such letters of administration shall relate; and all estates, effects and interests, which, at the time of the death, resignation or removal from office of any Administrator General, shall be vested in him by virtue of such letters of administration, shall, upon such resignation or removal, cease to be vested in him, and shall vest in his successor in office immediately upon his appointment thereto; and all books, papers and documents kept by such Administrator General, by virtue of his office, shall be transferred to, and vested, in his successor in office.

Letters of administration to be granted to Administor General in virtue of his office.

Authority given by such letters.

On death, &c. of Administrator General, estate, &c. to vest in successor.

And office books to be transferred.

XXV.—All actions, suits or other proceedings, which shall be commenced by or against any Administrator General, in his representative character, may be brought by or against him by his name of office, and no suit, action or other proceedings already commenced, or which shall be commenced, against any person as Administrator General, either alone or jointly with any other person, shall abate by reason of the death, resignation or removal from office of any such Administrator General, but the same may, by order of the Court, and upon such terms as to the service of notices or otherwise as the Court may direct, be continued against his successor immediately upon his appointment, in the same manner as if no such death, resignation, or removal had occurred. Provided that nothing hereinbefore contained shall render any such successor personally liable for any costs incurred prior to the order for containing the action or suit against him.

Administrator General to sue or be sued in his representative capacity by his name of office.

Suit not to abate by death, &c.

Proviso.

XXVI.—The Administrator General of each of the said Presidencies, under any letters of administration which shall be granted to him in his official character, or under any probate which shall be granted to him of a will wherein he shall be named as executor by virtue of his office, and the Administrator General of Madras under any letters of administration which are vested in him by Section V. of this Act, shall be entitled to receive a commission, at the following rates respectively; *viz.*

Commission to be received by Administrators General.

The Administrator General of Bengal at the rate of 3 per cent. and the Administrators General of Madras and Bombay respectively at the rate of 5 per cent. upon the amount or value of the assets which they shall respectively collect and distribute in due course of administration.

XXVII.—The commission to which the Administrator General of each of the said three Presidencies shall be entitled, is intended to cover not merely the expense and trouble of collecting the assets, but also his trouble and responsibility in distributing them in due

What expenses, &c., commission is to cover.

course of administration. It is therefore enacted, that one-half of such commission shall be payable to and retained by such Administrator General upon the collection of the assets, and the other half thereof shall be payable to the Administrator General who shall distribute any assets in the due course of administration and may be retained by him upon such distribution. The amount of the commission lawfully retained by an Administrator General upon the distribution of assets shall be deemed a distribution in the due course of administration within the meaning of this Act.

How payable.

Commission retained to be deemed a distribution.

XXVIII.—The Governments of the said Presidencies of Fort St. George and Bombay respectively, may, with the sanction of the Governor General of India in Council from time to time, order the aforesaid rate of commission hereby authorized to be received by the Administrators General of those Presidencies respectively to be reduced and again to be raised. Provided that the commission so to be received shall not at any time exceed five per cent. of the assets collected, and that no person now holding the office of Administrator General of either of the said Presidencies of Fort St. George or Bombay shall, by any such order, be deprived of the right to receive and retain for his own use, a commission at the rate of three per cent. in respect of all assets collected and actually administered by him.

Commission of the Administrators General of Madras and Bombay may be reduced and again raised.

Proviso.

XXIX.—The Administrator General shall defray all the expenses of the establishment necessary for his office, and all other charges to which the said office shall be subject, except those for which express provision is made by this Act.

Administrator General to defray expenses of establishment and all other charges not expressly provided for.

XXX.—No person other than the Administrator General acting officially, shall receive or retain any commission or agency charges for any thing done as executor or administrator under any probate or letters of administration, or letters *ad colligenda bona*, which have been granted by the Supreme Court of Judicature at Fort William in Bengal since the passing of Act No. VII. of 1849, or by either of the said other Supreme Courts of Judicature since the passing of Act No. II. of 1850, or which shall hereafter be granted by either of the said Courts; but this enactment shall not prevent any executor or other person from having the benefit of any legacy bequeathed to him in his character of executor, or by way of commission or otherwise.

Commission or agency not to be charged by executor or administrator other than the Administrator General.

Specific bequest in favor of executors not affected.

XXXI.—The Administrator General of each of the said Presidencies shall enter into books, to be kept by him for that purpose, separate and distinct accounts of each estate, and of all such sums of money, bonds and other securities for money, goods, effects and things, as shall come to his hands, or to the hands of any person employed by him, or in trust for him, under this Act, and likewise of all payments made by him on account of such estate, and of all debts due by or to the same, specifying the dates of such receipts and payments respectively, which said books shall be kept in the Administrator General's Office, and shall be open for the inspection of all such persons, practitioners in the said Courts and others, as may have occasion to inspect the same, at office hours, paying only such reasonable fee as hath been or shall be, from time to time, fixed by the Government, and published in the official *Gazette* of the Presidency to which the same may relate.

Administrator General to keep a separate account-book for each estate, to be open to inspection, &c. on payment of fee, &c.

XXXII.—The Government shall have power, from time to time, to make and alter any general rules and orders consistent with the provisions of this Act, for the safe

custody of the assets and securities which shall come to the hands or possession of the Administrator General, and for the remittance to the East India Company at their House in England of all sums of money which shall be payable or belong to persons resident in Europe, or in other cases where such remittances shall be required, and generally for the guidance and government of the Administrator General in the discharge of his duties; and may, by such rules and orders, amongst other things, direct what books, accounts and statements, in addition to those mentioned in this Act, shall be kept by the Administrator General, and in what form the same shall be kept, and what entries the same shall contain, and where the same shall be kept, and where and how the assests and securities belonging to the estates to be administered by such Administrator General shall be kept and invested or deposited, pending the administration thereof, and how and at what rate or rates of exchange any remittances thereof shall be made. Unless any such rules shall be made and published, the rules now in force in each of the said Presidencies, so far as the same are not inconsistent with this Act, shall be of the same force and effect as if the same had been made and published under this Act.

Government may make and alter rules and orders, consistent with this Act.

For custody of assets.

For remittance of money.

For guidance of Administrator General.

Proviso as to rules now in force.

XXXIII.—Such orders shall be published in the official *Gazettes* of the several Presidencies, and it shall be the duty of the several Administrators General to obey and fulfil the same, and the same shall be a full authority and indemnity for all persons acting in pursuance thereof.

Publication of orders, &c.

XXXIV.—The Administrator General of each of the said Presidencies shall, twice in every year—that is to say, on the first day of March, and on the tenth day of August, or on the first day on which the Supreme Court of Judicature at the Presidency shall be sitting after those days, or on such other days as the Government shall, by any rules or orders to be published as aforesaid, direct—exhibit and deliver, in open Court, a true Schedule showing the gross amount of all sums of money received or paid by him on account of each estate in his charge, and the balances during the period of six months, ending severally on the thirty-first day of December and thirtieth day of June next before the day of delivering such Schedule, and a true list of all bonds or other securities received on account of each of the said estates during the same period; and also a true Schedule of all administrations, whereof the final balances shall have been paid over to the persons entitled to the same, during the same period, specifying the amount of such balances, and the persons to whom paid, which Schedules shall be filed of record in such Supreme Court of Judicature, and shall, within fourteen days afterwards, be published in the official *Gazette* of the Presidency by the said Administrator General; and copies thereof in triplicate shall be delivered by such Administrator General to the Secretary of the said Presidency, and shall be sent by the Governor thereof to the Court of Directors of the East India Company, in order that the said Court of Directors may, if they think fit so to do, order the same to be deposited at the East India House, London, for public inspection, and may cause notices to be published in the *London Gazette*, and other leading newspapers, that such Schedules are open to inspection there, or may make such other orders respecting the same as they may think fit.

Administrator General to furnish half-yearly Schedules, &c.

Schedules to be filed and published.

XXXV.—The Government shall, from time to time, appoint an auditor or auditors to examine the accounts of the Administrator General at the times of the delivery of the said Schedules, and also at any other time when the Government shall think fit.

Government to appoint Auditors.

XXXVI.—The auditor or auditors shall examine the Schedules and accounts, and report to the Government whether they contain a full and true account of everything which ought to be inserted therein, and whether the books which by this Act, are, or which by any such general rules and orders as aforesaid, shall be directed to be kept by the Administrator General, have been duly and regularly kept, and whether the assets and securities have been duly kept and invested and deposited in the manner prescribed by this Act, or which shall be prescribed by any such rules and orders to be made as aforesaid.

Auditors to examine Schedule, and report to Government.

XXXVII.—Every Auditor shall have power to summon as well the Administrator General as any other person or persons whose presence he may think necessary, to attend him from time to time; and to examine the Administrator General, or other party or parties, if he shall think fit, on oath or solemn affirmation, to be by him administered; and to call for all books, papers, vouchers and documents, which shall appear to him to be necessary for the purposes of the said reference: and if the Administrator General or other person or persons when summoned shall refuse, or, without reasonable cause, neglect to attend or to produce any book, paper, voucher or document required, or shall attend and refuse to be sworn or make a solemn affirmation, when by law an affirmation may be substituted for an oath, or shall refuse to be examined, the Auditor or Auditors shall certify such neglect or refusal in writing to the Supreme Court of Judicature at the Presidency; and every person so refusing or neglecting shall thereupon be punishable, in like manner as if such refusal or neglect had been in contempt of the said Supreme Court.

Auditors to have power to summon witnesses and to call for book, &c.

Penalty for non-attendance.

XXXVIII.—The costs and expenses of preparing and publishing the said Schedules and copies thereof, and of every such reference and examination as aforesaid, shall be defrayed by all the estates, to which such schedules or accounts shall relate, which costs and expenses, and the portion thereof to be contributed by each of the said estates, shall be ascertained and settled by the Auditor or Auditors, subject to the approval of the Government, and shall be paid out of the said estates accordingly by the Administrator General.

Costs of preparing Schedule, &c. how to be paid.

XXXIX.—If upon any such reference and examination, the Auditor or Auditors shall see reason to believe that the said Schedules do not contain a true and correct account of the matters therein contained, or which ought to be therein contained, or that the assets have not been duly kept and invested or deposited in the manner directed by this Act, or which shall be directed by any such rules and orders as aforesaid, or that the Administrator General has failed to comply with the provisions and directions of this Act, or of any such rules and orders, he or they shall report accordingly to the Government.

Auditors to report specially to Government, if accounts appear not correct.

XL.—The Government may refer every such report as last aforesaid to the consideration of the Advocate General for the Presidency, who shall thereupon, if he shall think fit, proceed summarily against the defaulter or his personal representative in the Supreme Court of Judicature in the Presidency, by petition for an account, or to compel obedience to this Act, or to such rules and orders as aforesaid, or otherwise as he may think fit, in respect of all or any of the estates then or formerly under the administration of such defaulter; and the said Advocate General shall have power to exhibit interrogatories to the said Administrator General, or other person or persons, defendants, who shall be bound to answer the same as fully as if the same had been contained in a bill

Proceedings upon such report.

filed for the like purpose; and the Court shall have power upon any such petition, to compel the attendance in Court of the defendant or defendants, and any witnesses who may be thought necessary, and to examine them orally or otherwise as the said Court shall think fit, and to make and enforce such order or orders as the Court shall think just.

Costs of reference, &c. how to be defrayed.

XLI.—The costs, including those of the Advocate General, and of the reference to him, if the same shall be directed by the Court to be paid, shall be defrayed either by the defendant or defendants, or out of the estates rateably as the said Court shall direct; and whenever any costs shall be recovered from the defendant or defendants, the same shall be repaid to the estates by which the same shall have been in the first instance contributed, and the Court shall have power to order the Administrator General, or other person or persons, defendants, to receive his or her costs out of the said estates, if it shall think fit.

Orders of the Court to have same effect and to be executed in same manner as decretal orders.

XLII.—Any orders which shall be made by any of the said Supreme Courts shall have the same effect, and be executed in the same manner as decretal orders.

In what case Administrator General may grant certificate.

XLII.—Whenever any person, not being a Mahomedan or Hindoo, shall have died, whether within any of the said Presidencies or not, and whether before or after the passing of this Act, and shall, if a British subject, have left personal assets within any of the said Presidencies or any of the Provinces or places subject thereto, or shall, if not a British subject, have left personal assets within the local limits of the Jurisdiction of the Supreme Court of Judicature at any of the said Presidencies, and letters of administration of his effects shall not be taken out for three months after his death, and the Administrator General of such Presidency shall be satisfied that such effects do not exceed in the whole five hundred rupees, he may, if he shall think fit, at any time before administration of such effects shall be granted, grant to any person claiming to be entitled to a principal share of the effects of the deceased, certificates under his hand, entitling the claimant to receive the sums or securities for money therein severally mentioned, belonging to the effects of the deceased, to the value of any sum not exceeding in the whole five hundred rupees.

Administrator General not bound to grant certificate unless satisfied of claimant's title, &c.

XLIV.—The Administrator General shall not be bound to grant any such certificate, unless he shall be satisfied of the title of the claimant and of the value of the effects of the deceased, either by the oath, affidavit or solemn affirmation of the claimant (which oath, affidavit or affirmation the Administrator General is hereby authorized to administer or take) or by such other evidence as he shall require.

Certificate with receipt annexed to be a sufficient discharge.

XLV.—Any such certificate, with a receipt annexed under the hand of the person to whom the certificate shall be granted, shall be a full discharge for payment or delivery to him or her of the money or security for money therein mentioned, to the person paying or delivering the same: but nothing in this Act shall preclude any executor or administrator of the deceased from recovering from the person receiving the same, the amount remaining in his hands, after deducting the amount of all debts or other demands lawfully paid or discharged by him in due course of administration; and any creditor or claimant against the estate of the deceased shall be at liberty to recover his debt or claim out of the assets received by such person, and remaining in his hands unadministered, in the same manner and to the same extent as if such person had obtained letters of administration to the estate of the deceased.

Proviso.

Administrator General not bound to take out administration on account of effects in respect of which he has granted certificate.

XLVI.—The Administrator General shall not be bound to take out letters of administration to the estate of any deceased person on account of the effects in respect of which he shall grant any such certificate, but he may do so if he shall discover any fraud or misrepresentation made to him, or that the value of the estate exceeded five hundred rupees.

Fee for certificate.

XLVII.—For every such certificate the Administrator General shall be entitled to charge a fee calculated after the rate of three rupees in the hundred on the amount mentioned in the certificate.

Penalty for false swearing, &c.

XLVIII.—Every person who, having been sworn, or having taken a solemn affirmation under this Act, shall wilfully give false testimony upon any examination authorized by this Act, shall be deemed guilty of perjury, and, if convicted, shall be liable to be punished accordingly.

Penalty for Trading.

XLIX.—It is hereby declared to be a misdemeanour, punishable by fine and imprisonment, for any Administrator General to trade or traffic for his own benefit, or for the benefit of any other person or persons whomsoever, unless so far as shall appear to him to be expedient for the due management of the estates of which letters of administration shall be granted to him, and for the sole benefit of the several persons entitled to the proceeds of such estates respectively; but this exception is not to be construed to alter the civil liabilities of the Administrator General as trustee of such estates.

Exception.

Accumulation of interest in the hands of the Administrator General at Bombay to be transferred to the E. I. Company.

L.—And whereas it appears from the books and accounts of the Administrator General of Bombay, that, on the thirtieth day of June 1851, there were in his charge Government Securities and cash, arising from accumulations of interest on estates heretofore administered by or in the charge of the Ecclesiastical Registrar of the Supreme Court of Judicature at that Presidency, over and above the amount of interest heretofore allowed on the administration of such estates, it is further enacted as follows:—The Administrator General of Bombay shall forthwith transfer and pay the said Government Securities, and cash balance, and any other Government Securities and cash which, at the time of the passing of this Act, shall or may be in his charge, or under his control in respect of such accumulations of interest, or any additions thereto, to the Accountant General and Sub-Treasurer of Bombay, to be carried to the account and credit of the East India Company, for the general purposes of Government; and the receipt of the Accountant and of the Sub-Treasurer of Bombay for any monies or securities so paid or transferred to them under the provisions of this Act, shall be a full indemnity and discharge to the Ecclesiastical Registrar and Administrator General for any such payment or transfer.

In the Madras and Bombay Presidencies, the proceeds of Estates unclaimed for 15 years to be transferred to the East India Company.

LI.—The net proceeds of all estates in the official charge of the Administrator General of either of the Presidencies of Fort St. George or Bombay, and which now appear, or shall hereafter appear, from the official books and accounts of the Ecclesiastical Registrar and of the Administrator General of either of those Presidencies, or from the official books and accounts of either of those Officers, to have been in official custody for a period of fifteen years or upwards, without any claim thereto having been made and allowed, shall be transferred and paid to the Sub-Treasurer of the East India Company at Fort St. George and Bombay respectively, and be carried to the account and credit of the East India Company, for the general purposes of Government; and the receipt of the said Sub-Treasurer and Accountant General shall be a full indemnity and discharge to the

said Administrator General for any such payment or transfer. Provided that this Act shall not authorize any transfer or payment of any such proceeds as aforesaid, pending any suit already instituted, or which shall be hereafter instituted, in respect thereof.

Proviso.

LII.—If any claim shall be hereafter made to any part of the securities, monies, or proceeds which shall be carried to the account or credit of the East India Company under the provisions of this Act, and if such claim shall be established to the satisfaction of the Administrator General and Accountant General to the Government of Fort St. George and Bombay, for the time being, respectively, the said Accountant General shall direct the Sub-Treasurer of the Presidency to pay, and the said Sub-Treasurer shall thereupon pay, out of the monies of the East India Company in his custody, to the claimant, the amount of the principal so carried to the credit and account of the said East India Company, or so much thereof as shall appear to be due to the claimant. If the claim shall not be established to the satisfaction of the said Administrator General and Accountant General, the claimant may apply by petition to the Supreme Court at the Presidency against the East India Company and Administrator General of the Presidency for the time being, and after taking evidence, either orally or on affidavit, in a summary way as the said Court shall think fit, the said Court shall make such order on the petition for the payment of such portion of the said principal sum as justice shall require, which order shall be binding on all parties to the suit.

Mode of proceeding by claimant to recover principal money so transferred.

LIII.—Section VI. Regulation XV. of 1806 of the Bengal Code and Section V. Regulation IV. of 1809 of the Madras Code are hereby repealed.

Regulations repealed.

LIV.—Whenever any British subject shall die leaving personal assets within the limits of the jurisdiction of a Zillah Judge and no will shall be found among the effects of the deceased, it shall be the duty of the Zillah Judge to report the circumstance without delay to the Administrator General of the Presidency, retaining the property under his charge until letters of Administration shall have been obtained by the Administrator General or by some other person from the Supreme Court of Judicature, when the property shall be delivered over to the person obtaining such letters of Administration, or in the event of a will being discovered, to the person who may obtain probate of the will.

Zillah Judge in certain cases to take charge of property of a British subject dying within the Zillah, and to report to Administrator General.

LV.—In the construction of this Act, the word "Government" shall be deemed to mean the Governor General of India in Council, so far as the Act relates to the Presidency of Fort William in Bengal, or any place subordinate thereto, and the person or persons for the time being administering the Executive Government of the Presidency, so far as the Act relates to the Presidencies of Fort St. George and Bombay respectively; the words "letters of administration" shall include any letters of administration, whether general or limited or with a will annexed, and letters *ad colligenda bona*. Words in the masculine gender shall include the feminine; and words in the singular number shall include the plural, and *vice versâ;* unless where such construction would be inconsistent with or repugnant to the context.

Construction of Act.

LVI.—Acts VII. of 1849 and II. of 1850 are hereby repealed as to all letters of administration which shall hereafter be applied for or granted.

Repeal of Acts.

LVII.—Nothing in this Act is intended to require the Administrator General to take proceedings to obtain letters of administration to the estate or effects of any officer or soldier or other person subject to any Articles of War, or to the estate or effects of any officer, seaman or other person dying in the Marine Service of the East

Act not to apply to administration of estates of soldiers or sailors.

India Company, called the Indian Navy, unless when the Administrator General shall be duly authorized or required so to do by the Military Secretary, or other officer having similar powers with regard to the estate or effects of any officer, seaman or other person dying in the Indian Navy; nor is anything in this Act contained intended to interfere with or alter the provisions of any Act of Parliament for regulating the payment of regimental debts and the distribution of the effects of officers and soldiers dying in the Service of the East India Company, or of any Articles of War, or of any Act of Parliament relating to the Indian Navy.

Commencement of Act.

LVIII.—This Act shall commence and take effect from the 1st day of March 1855.

The 17th February 1855.

Act No. X. of 1855.

An Act to amend the Law relating to the attendance and examination of witnesses in the Civil Courts of the East India Company in the Presidencies of Fort St. George and Bombay, and to amend the provisions of Section XL. Act XIX. of 1853.

Preamble.

Whereas it is expedient to amend the Law relating to the attendance and examination of witnesses in the Civil Courts of the East India Company in the Presidencies of Fort St. George and Bombay, and to amend the provisions of Section XL. Act XIX. of 1853; It is enacted as follows:—

Repeal of former Regulations, &c.

I.—Section XXII. Regulation VII. of 1809 and Section VIII. Regulation XII. of 1809 of the Madras Code, and Section XL. Act XIX. of 1853, are hereby repealed.

Special application to compel attendance of party to a suit as a witness.

II.—If any party to a suit shall require the attendance of any other party thereto as a witness to be enforced, he shall, by himself or his pleader, make a special application to the Court for an order for a summons to compel the attendance of the party, and shall show to the satisfaction of the Court sufficient grounds in support of such application; otherwise a summons shall not be issued. In cases in which, according to the practice of the Court, a day is fixed for the trial, the application shall be made before such day shall be fixed.

Court may require notice to be given to a party to show cause why he should not attend.

III.—The Court, upon the application of the pleader of any party to a suit whose attendance as witness is required, or without such application, if the Court think fit so to do, may, before making such order, cause notice to be given to the party or his pleader fixing a day for such party to show cause why he should not attend and give evidence, and may also, from time to time if necessary, for good and sufficient cause, enlarge the time for such purpose.

Written declaration of party receivable.

IV.—*Clause* 1.—In support of the cause shown, the Court shall receive a declaration in writing of the party, if signed by him, and delivered into the Court by himself or his pleader.

Penalty for false statement.

Clause 2.—If the party making such declaration shall wilfully and corruptly make any false statement therein, he shall be deemed guilty of perjury, and shall be proceeded against, and upon conviction punished accordingly.

Court not to compel attendance of party to a suit to give evidence, if satisfied that he has no personal knowledge and that he cannot give material evidence.

V.—The Court need not compel the attendance of any party to a suit for the purpose of giving evidence therein, if such party shall satisfy the Court that he has no personal knowledge of any material subject of enquiry in the suit, and that he cannot give material evidence therein.

VI.—If no sufficient cause be shown on the day fixed, or upon any subsequent day to which the Court shall enlarge the time for that purpose, the Court shall cause a summons to be issued for compelling the party to attend and give evidence.

Summons to issue if no sufficient cause shown.

VII.—No party to a suit, appeal, or proceeding, who shall offer himself as a witness therein, shall, without the consent of all parties thereto, be examined otherwise than in open Court, in such manner as the Court may direct, having regard to the usages and customs of the country, unless such examination shall be taken under, and subject to the Rules prescribed by Section XII. or XIV. of this Act.

Mode of examining party to a suit who offers himself as a witness.

Proviso.

VIII.—If any witness, being a party to a suit to whom any summons to give evidence or produce a document shall have been personally delivered, shall, without lawful excuse, fail to comply with such summons, or attending, or being present in Court, shall, without lawful excuse, refuse to give evidence, or to subscribe his deposition, or to produce any document in his custody or possession, the Court, instead of proceeding in the manner provided by the laws in force in the Presidency in respect of defaulting witnesses, may, if the witness be a plaintiff, appellant, or petitioner, dismiss the complaint, appeal or petition, with costs against such party, or if such party be a defendant or respondent, may hear and decide the case against such defendant or respondent *ex parte*. If any such complaint, appeal or petition shall be dismissed for such cause, the complainant or petitioner shall be debarred from preferring any other petition, appeal or complaint in respect of the same matter.

Penalty for non-compliance with summons.

IX.—A witness not a party to the suit or proceeding in which he summoned shall not be bound to produce his own title-deeds, unless he shall have agreed in writting with the party requiring the production thereof, or some person through whom he claims to produce such deeds.

In what case a witness not being a party to the suit in which he is summoned is bound to produce his title-deeds.

X.—Any person, whether a party to the suit or not, to whom a summons to attend and give evidence or produce a document shall be personally delivered, and who shall, without lawful excuse, neglect or refuse to obey such summons, or who shall be proved to have absconded, or kept out of the way to avoid being served with such summons, and any person who, being in Court, and upon being required by the Court to give evidence or produce a document in his possession, shall, without lawful excuse, refuse to give evidence or sign his deposition, or to produce a document in his possession, shall, in addition to any proceedings to which he would otherwise be subject, be liable to the party at whose request the summons shall have been issued, or at whose instance he shall be required to give evidence or produce the document, for all damages which he may sustain in consequence of such neglect or refusal, or of such absconding or keeping out of the way as aforesaid, to be recovered in a civil action.

Person not obeying summons, &c., liable for damages in a civil action.

XI.—It shall not be necessary to postpone the hearing or decission of a case for the non-production of a document, or for the evidence of a witness who may neglect or refuse to attend, or who shall abscond or keep out of the way, or who cannot be served with a summons, beyond such period as shall appear proper to the Court, having regard to all the circumstances of the case: provided that, when a summons shall have been issued for the attendance of a plaintiff or appellant in a suit to give evidence or produce a document, the Court shall, at the request of the defendant or respondent, unless there be good reason to the contrary, postpone the hearing or decision until the plaintiff or appellant can be

Postponing case on account of non-attendance of witness, &c.

Proviso.

personally summoned, or shall attend and give evidence or produce the document required; and that, where a summons shall have been issued for the attendance of a defendant or respondent to give evidence or produce a document, the hearing or decision shall, upon the application of the plaintiff or appellant, be postponed in like manner, unless there be good reason to the contrary, until the defendant or respondent can be personally summoned, or shall attend and give evidence, or produce the document required.

Oral evidence how to be taken.

XII.—In every regular or summary suit, appeal or proceeding in any of the Civil Courts of the East India Company, and also in every summary suit or other proceeding of a Civil nature before any Court, Officer, or other person having by law or consent of parties authority to examine witnesses, the evidence of attending witnesses shall be taken orally in open Court, in the presence and hearing, and under the personal direction and superintendence of the Judge. The evidence of each witness given upon such examination shall be taken down in writing, by or in the presence and under the superintendence of the Judge, not ordinarily by question in answer, but in the form of a narrative, and when completed shall be read over to the witness, and signed by him in the presence of the Judge and of the parties to the suit or their vakeels, or such of them as may think fit to attend. In case the witness shall refuse to sign the deposition, the Judge shall sign the same, and record the reason, if any, given by the witness for such refusal, together with such remarks thereon as the Judge shall think fit to make. It shall be in the discretion of the Judge to take down, or cause to be taken down, any particular question and answer, if there shall appear any special reason for doing so, or any party or his vakeel shall require it. If any question put to a witness be objected to by either of the parties or their vakeels, and the Court shall allow the same to be put, the question and answer shall be taken down, and the objection, and the name of the party making it, shall be noticed in taken down the depositions, together with the decision of the Court upon the objection. The Judge shall also record such remarks as he may think material respecting the demeanor of any witness whilst under examination. Provided that it shall not be necessary to take in writing the evidence of witnesses in cases tried by District Moonsiffs in the said Presidency of Fort St. George when the claim shall not exceed 20 rupees, or in cases tried by Village Moonsiffs in the same Presidency.

Proviso.

Evidence of Purdah Nusheen women.

XIII.—In cases where the evidence is needed of females, who, according to the custom of the country, ought not to be compelled to appear as witnesses in a Court of Justice, and in which the Court shall be of opinion that the ends of justice require and justify it, such Court may issue a commission to any Officer of the Court or other person, to be named in such commission, for the examination of such females in the hearing of the parties to the suit or their vakeels, in such manner as the Court may direct, having regard to the custom and usage of the country, and with liberty to the parties or their vakeels to cross-examine, anything in Section V. Act VII. of 1841 to the contrary notwithstanding.

By what rules a party to a suit is to be examined, and how punishable for false evidence.

XIV.—Any party to a suit, appeal or proceeding, who may be examined as a witness therein, shall be examined according to the rules for the time being in force as to the examination of witnesses not being parties to the suit, and shall be punishable for any false evidence given by him, in the same manner as if he were not a party.

Interpretation of word "witness" in Act VII. of 1841.

XV.—The words "witness" and "witnesses" in Act VII. of 1841 shall respectively include any party or parties to a suit, and the said Act shall be read as if the words "or party" "or parties" had been used in such Act, in conjunction with the words "witness" or

"witnesses" respectively. Provided that the deposition of a party taken under the provisions of this Section, at the instance of any opposite party, may be read in evidence by, or on behalf of such last-mentioned party, without the proof required by Section V. of the said Act. Provided also that no deposition of any party taken under the provisions of this Section shall be read or used in evidence unless taken and read at the instance of some opposite party, or unless it shall be proved that the deponent is unable, from sickness or infirmity, to attend to be personally examined, or is, without collusion or any reference to the suit, at so great a distance from the Court, that, in the judgment of the Court, it would be unreasonable to require his personal attendance in Court for the purpose of giving such evidence, in which last-mentioned case it shall be discretionary with the Court, having regard to the nature of the case and of the evidence given, either to allow or to refuse such deposition to be read.

Proviso.

XVI.—No appeal shall lie from any order or decision of a Judge with respect to summoning or examining any party to a suit, or as to allowing a deposition to be read under the Section next preceding.

No appeal from Judge's order as to summons, &c.

XVII.—If any party to a suit in any Civil Court of the East India Company in either of the said Presidencies or in the Presidency of Fort William in Bengal shall, in any plaint, answer or other pleading, refer to any document in his possession or power, not being a shop book or book of account, as a material proof or document in support of his claim or defence, he shall file such document with such plaint, answer or other pleading, and no such plaint, answer or other pleading shall be received without such document, unless, upon good and sufficient cause shown, the Court shall excuse its non-production or enlarge the time for producing it; and any adverse party shall be entitled, by himself or his vakeel, to inspect and take a copy of the document.

Document referred to in pleading to be filed.

XVIII.—In the construction of this Act, unless where it is otherwise expressly provided, or there is something in the subject or context repugnant to such construction, or which would render such construction inapplicable to the case, the word "Court" shall mean any Civil Court of the East India Company, and the word "Judge" shall include any officer or person having, by law or consent of parties, authority to examine witnesses and to act judicially; the word "suit" shall be deemed to mean and include any suit, appeal or proceeding; the word "witness" shall include all persons competent and liable to give evidence, whether parties to any suit or proceeding, or not. Words importing the masculine gender or singular number shall include the feminine gender or plural number, and *vice versâ*.

Interpretation Clause.

XIX.—This Act shall come into operation on the 1st day of May 1855.

Act when to operate.

The 14*th April* 1855.

ACT No. XII. of 1855.

An Act to enable Executors, Administrators, or Representives, to sue and be sued for certain wrongs.

Whereas it is expedient to enable Executors, Administrators or Representatives in certain cases to sue and be sued in respect of certain wrongs which, according to the present law, do not survive to or against such Executors, Administrators or Representatives; It is enacted as follows:—

Preamble.

Executors may sue and be sued in certain cases for wrongs committed in the life-time of a deceased person.

I.—An action may be maintained by the Executors, Administrators or Representatives of any person deceased, for any wrong committed in the life-time of such person, which has occasioned pecuniary loss to his estate, for which wrong an action might have been maintained by such person, so as such wrong shall have been committed within one year before his death, and provided such action shall be brought within one year after the death of such person; and the damages, when recovered, shall be part of the personal estate of such person: and further, an action may be maintained against the Executors or Administrators, or Heirs or Representatives of any person deceased for any wrong committed by him in his life-time, for which he would have been subject to an action, so as such wrong shall have been committed within one year before such person's death, and so as such action shall be commenced within two years after the committing of the wrong: and the damages to be recovered in such action shall, if recovered against an Executor or Administrator, bound to administer according to the English law, be payable in like order of administration as the simple contract debts of such person.

Death of either party not to abate suit.

Proviso.

II.—No action commenced under the provisions of this Act, shall abate by a reason of the death of either party, but the same may be continued by or against the Executors, Administrators or Representatives of the party deceased. Provided that, in any case in which any such action shall be continued against the Executors, Administrators or Representatives of a deceased party, such Executors, Administrators or Representatives may set up a want of assets as a defence to the action, either wholly or in part, in the same manner as if the action had been originally commenced against them.

The 14*th April* 1855.

Act No. XIII. of 1855.

An Act to provide compensation to families for loss occasioned by the death of a person caused by actionable wrong.

Preamble.

Whereas no action or suit is now maintainable in any Court against a person who, by his wrongful act, neglect, or default, may have caused the death of another person, and it is often-times right and expedient that the wrong-doer in such case should be answerable in damages for the injury so caused by him; It is enacted as follows:—

Action for compensation to the family of a person for loss occasioned to it by his death by actionable wrong.

I.—Whenever the death of a person shall be caused by wrongful act, neglect or default, and the act, neglect or default is such as would (if death had not ensued) have entitled the party injured to maintain an action and recover damages in respect thereof, the party who would have been liable if death had not ensued, shall be liable to an action or suit for damages, notwithstanding the death of the person injured, and although the death shall have been caused under such circumstances as amount in law to felony or other crime. And it is enacted further, that every such action or suit shall be for the benefit of the wife, husband, parent and child, if any, of the person whose death shall have been so caused, and shall be brought by and in the name of the Executor, Administrator or Representative of the person deceased; and in every such action the Court may give such damages as it may think proportioned to the loss resulting from such death to the parties respectively, for whom and for whose benefit such action shall be brought, and the

amount so recovered, after deducting all costs and expenses, including the costs not recovered from the defendant, shall be divided amongst the before-mentioned parties or any of them, in such shares as the Court by its judgment or decree shall direct.

Not more than one action to be brought: to be commenced within 12 months.

II.—Provided always that not more than one action or suit shall be brought for and in respect of the same subject-matter of complaint, and that every such action shall be brought within twelve calendar months after the death of such deceased person; provided that, in any such action or suit, the Executor, Administrator or Representative of the deceased may insert a claim for, and recover any pecuniary loss to the Estate of the deceased occasioned by such wrongful act, neglect or default, which sum, when recovered, shall be deemed part of the assets of the Estate of the deceased.

Claim for loss to the estate may be added.

Plaintiff shall deliver particulars, &c.

III.—The plaint in any such action or suit shall give a full particular of the person or persons for whom or on whose behalf such action or suit shall be brought, and of the nature of the claim in respect of which damages shall be sought to be recovered.

Construction of Act.

IV.—The following words and expressions are intended to have the meanings hereby assigned to them respectively, so far as such meanings are not excluded by the context or by the nature of the subject-matter; that is to say, words denoting the singular number are to be understood to apply also to a plurality of persons or things; and words denoting the masculine gender are to be understood to apply also to persons of the feminine gender; and the word "person" shall apply to bodies politic and corporate; and the word "parent" shall include father and mother, and grandfather and grandmother; and the word "child" shall include son and daughter, and grandson and granddaughter, and step-son and step-daughter.

The 14th April 1855.

ACT No. XVIII. OF 1855.

An Act to remove doubts relating to the power to grant Pardons and Reprieves and Remissions of Punishments in India.

Preamble.

WHEREAS doubts have arisen as to the power of the several Executive Governments in India to remit punishments awarded by Her Majesty's Supreme Courts of Judicature, and it is desirable that all doubts respecting the power to pardon or reprieve or grant remissions of punishment should be removed; It is declared and enacted as follows: (The sanction of Her Majesty to the passing of this Act having been previously obtained and signified in pursuance of an Act passed in the 17th year of the reign of Her said Majesty, entitled "An Act to provide for the Government of India.")

Executive Government of a Presidency declared to have power to grant pardons for offences committed therein.

Or to remit punishment awarded by Supreme Court of Judicature or any other Court, &c., in respect of such offences.

I.—The person or persons for the time being authorized to administer the Supreme Executive Government in any Presidency or place with the Territories in the possession and under the Government of the East India Company have power to grant pardons and reprieves in respect of any crime or offence committed within such Presidency or place, or to remit the whole or any part of the punishment awarded in respect of any such crime or offence, whether the same be awarded by any of Her Majesty's Supreme Courts of Judicature, or by any other Court or Officer exercising jurisdiction within the said Territories.

II.—Nothing in this Act shall be construed to interfere with the provisions contained in the Statutes of the Imperial Parliament 16 and 17 Vic. c. 95, and 17 and 18 Vic. c. 77, or any other Statute, which empower the Governor General of India in Council, with the sanction therein mentioned, to limit the extent of the authority of the Lieutenant-Governors and other persons therein named; and in every such case, the aforesaid power of granting pardons and reprieves and remissions of punishment in case, and so far as the same may be excepted from the authority of the said Lieutenant-Governors or other persons, may be exercised by the Governor General of India in Council.

Act not to effect the provisions of the Statutes empowering the Governor General in Council to limit the authority of Lieutenant-Governors, &c.

The power of granting pardons, &c., may be exercised by the Governor General in Council, so far as it is excepted from the authority of Lieutenant-Governors, &c.

III.—Nothing in this Act shall be construed to interfere with the undoubted right of Her Majesty to grant pardons or reprieves or remissions of punishment in any of the cases above-mentioned.

Act not to interfere with the prerogative of the Crown to grant pardons.

The 30th June 1855.

ACT No. XXIII. OF 1855.

An Act to amend the Law relating to the Administration of the Estates of deceased persons charged with money by way of Mortgage.

WHEREAS it is expedient that the Law, under which the real and personal assets of deceased persons subject to the English Law are administered, should be amended; It is enacted as follows:—

Preamble.

I.—After this Act shall have come into operation, if any person shall die seised of, or entitled to any estate or interest in any land or other hereditaments within the Territories in the possession of, and under the Government of the East India Company, which shall, at the time of his death, be charged with the payment of any sum or sums of money by way of mortgage, and such person shall not by his will or deed or other document have signified any contrary or other intention, the heir or devisee to whom such land or hereditaments shall descend or be devised, shall not be entitled to have the mortgage-debt discharged or satisfied out of the personal estate or any other real estate of such person, but the land or hereditaments so charged shall, as between the different persons claiming through or under the deceased person, be primarily liable to the payment of all mortgage-debts with which the same shall be charged, every part thereof, according to its value, bearing a proportionate part of the mortgage-debts charged on the whole thereof: Provided always, that nothing herein contained shall effect or diminish any right of the mortgagee of such lands or hereditaments to obtain full payment or satisfaction of his mortgage-debt, either out of the personal estate of the person so dying as aforesaid or otherwise: Provided also that nothing herein contained shall affect the rights of any person claiming under, or by virtue of any will, deed, or document already made, or to be made, before this Act shall have come into operation.

Mortgage debts on property descending or devised, how to be discharged.

Proviso as to the right of mortgagee to full satisfaction from the personal estate of the deceased.

Proviso as to claims made prior to this Act.

The 13th August 1855.

ACT No. XXIV. OF 1855.

An Act to substitute penal servitude for the punishment of Transportation in respect of European and American Convicts, and to amend the Law relating to the removal of such Convicts.

Preamble.

WHEREAS, by reason of the difficulty of providing a place to which Europeans or Americans can, with safety to their health, be sent for the purpose of undergoing sentences of transportation or of imprisonment for long terms, it has become expedient to substitute other punishment for that of transportation, and to amend the law relating to the removal of European and American Convicts for the purpose of imprisonment; It is enacted as follows:—

No European or American to be sentenced to transportation.

I.—After the commencement of this Act, no European or American shall be liable to be sentenced or ordered, by any Court within the territories in the possession and under the Government of the East India Company, to be transported.

Terms of penal servitude instead of the present terms of transportation.

II.—Any person who, but for the passing of this Act, would, by any Law now in force, or which may hereafter be in force, in any part of the said territories, be liable to be sentenced or ordered, by any such Court, to be transported, shall, if a European or American, be liable to be sentenced or ordered to be kept in penal servitude for such term as hereinafter mentioned.

The terms of penal servitude to be awarded by any sentence or order, instead of the term of transportation to which any such offender would, but for the passing of this Act, be liable, shall be as follows: (that is to say)—

Instead of transportation for seven years, or for a term not exceeding seven years, penal servitude for the term of four years.

Instead of any term of transportation exceeding seven years, and not exceeding ten years, penal servitude for any term not less than four and not exceeding six years.

Instead of any term of transportation exceeding ten years, and not exceeding fifteen years, penal servitude for any term not less than six and not exceeding eight years.

Instead of any term of transportation exceeding fifteen years, penal servitude for any term not less than six and not exceeding ten years.

Instead of transportation for the term of life, penal servitude for the term of life. And in every case where, at the discretion of the Court, one of any two or more of the terms of transportation hereinbefore mentioned might have been awarded, the Court shall have the like discretion to award one of the two or more terms of penal servitude hereinbefore mentioned, in relation to such terms of transportation.

Discretion of Courts as to alternative punishments not to be affected.

III.—Provided always that nothing herein contained shall interfere with or affect the authority or discretion of any Court in respect of any punishment which such Court may now award or pass on any offender other than transportation; but where such other punishment may be awarded at the discretion of the Court instead of transportation or in addition thereto, the same may be awarded instead of, or (as the case may be) in addition to, the punishment substituted for transportation by this Act.

Effect of pardon granted upon condition of penal servitude.

IV.—If any offender sentenced by any Court within the said territories to the punishment of death shall have mercy extended to him, upon condition of his being kept in penal servitude for life, or for any term of years, all the provisions of this Act shall be

applicable to such offender in the same manner as if he had been lawfully sentenced under this Act to the term of penal servitude specified in the condition.

The Executive Government may direct Europeans or Americans under sentence of transportation to be kept in penal servitude.

V.—It shall be lawful for the Governor General of India in Council, or for the person or persons for the time being administering the Executive Government of any Presidency or place in which a European or American has been lawfully sentenced by any Court to be transported, to order such person to be kept in penal servitude for the shortest term of penal servitude substituted by this Act for a term of transportation of the same extent as that to which the offender was sentenced, or that portion thereof which he shall not have undergone, provided that no person shall be kept in penal servitude under the provisions of this Section after the expiration of the term of transportation to which he was sentenced.

Term of penal servitude in such case.

Persons under sentence of penal servitude where to be sent and how to be dealt with.

VI.—Every person who, under this Act, shall be sentenced or ordered to be kept in penal servitude, may, during the term of the sentence or order, be confined in any such prison or place of confinement within any part of the said territories as the Governor General of India in Council shall, by any General Order, from time to time direct; and may during such time, be kept to hard labour; and such person may, until he can conveniently be removed to such prison or place of confinement, be imprisoned, with or without hard labour, and dealt with in all other respects in the same manner as persons sentenced by the convicting Court to imprisonment with hard labour may, for the time being, by law be dealt with. Provided that the time of such intermediate imprisonment, and the time of removal from one prison to another, shall be taken and reckoned in discharge or part discharge of the term of the sentence.

Intermediate imprisonment.

Proviso.

All Acts, &c., respecting convicts under sentence of transportation or imprisonment with hard labour made applicable for the purposes of this Act.

VII.—All Acts and Regulations now in force within any part of the said territories, with respect to convicts under order or sentence of transportation, or under order or sentence of imprisonment, with hard labour, shall, so far as may be consistent with the express provisions of this Act, be construed to extend and be applicable to persons under any order or sentence of penal servitude made or passed under this Act.

Removal of European or American convicts under sentence of imprisonment from one prison to another.

VIII.—The person or persons for the time being administering the Executive Government of the Presidency or place in which any European or American convict is imprisoned, under a sentence or order of imprisonment for a term exceeding one year, whether with or without hard labour, may, with the consent of the Governor General of India in Council, order the removal of such prisoner from the prison, or place in which he is confined to any other public prison, or place of confinement within any part of the said territories; and such order shall be a sufficient authority for imprisoning the convict during the remainder of the terms mentioned in the sentence, or any part of such term, in the Jail to which the prisoner is removed.

Governor General in Council may grant a license to be at large to any convict under sentence of penal servitude.

IX.—It shall be lawful for the Governor General of India in Council to grant to any convict who may hereafter be sentenced or ordered to be kept in penal servitude, a license to be at large within the said territories, or in such part thereof as in such license shall be expressed, during such portion of his term of servitude, and upon such conditions in all respects as to the

Governor General of India in Council shall seem fit; and it shall be lawful for the said Governor General in Council at any time to revoke or alter such license by a like order.

Holder of such license not to be imprisoned, &c.

X.—So long as such license shall continue in force and unrevoked, such convict shall not be liable to imprisonment or penal servitude by reason of his sentence, but shall be allowed to go and remain at large according to the terms of such license.

If license revoked, the convict may be apprehended and committed to prison.

XI.—In case of the revocation of any such license as aforesaid, it shall be lawful for one of the Secretaries to the Government of India by order in writing, to signify to any Justice of the Peace or Magistrate that such license has been revoked, and to require such Justice or Magistrate to issue a warrant for the apprehension of the convict to whom such license was granted, and such Justice or Magistrate shall issue his warrant accordingly; and such warrant may be executed by any officer to whom it may be directed or delivered for that purpose in any part of the said Territories, and shall have the same force and effect in any place within such Territories as if the same had been originally issued or subsequently endorsed by a Justice or Magistrate, or other lawful authority having jurisdiction in the place where the same shall be executed; and such convict, when apprehended under such warrant, shall be brought, as soon as he conveniently may be, before the Justice or Magistrate by whom the said warrant shall have been issued, or some other Justice or Magistrate of the same place, or before a Magistrate or Justice having jurisdiction in the zillah or district in which such convict shall be apprehended, and such Justice or Magistrate shall thereupon make out his warrant, under his hand and seal for the re-commitment of such convict to the prison or place of confinement from which he was released by virtue of the said license, and such convict shall be re-committed accordingly, and shall thereupon be liable to be kept in penal servitude for such further period, as, with the time during which he may have been imprisoned under the original sentence or order, and the time during which he may have been at large under and unrevoked license, shall be equal to the period mentioned in the original sentence or order.

Penalty for breach of condition of the license.

XII.—If a license be granted under Section IX. of this Act upon any condition specified therein, and the convict to whom the license is granted violate any such condition, or shall go beyond the limits specified in the license, or, knowing of the revocation of such license, shall neglect forthwith to surrender himself, or shall conceal himself, or endeavour to avoid being apprehended, he shall be liable, upon conviction, to be sentenced to penal servitude for a term not exceeding the full term of penal servitude mentioned in the original sentence or order.

Act not to affect the provisions of certain English Statutes.

XIII.—Nothing in this Act is intended to alter or affect the provisions of the 12 and 13 Victoria, Chapter 43, or any Act of Parliament passed in the United Kingdom of Great Britain and Ireland since the 28th of August 1833, or which may hereafter be passed.

What to be deemed proof that a person is a European or an American.

XIV.—Any sentence or order upon any person describing him as a European or American shall be deemed, for the purposes of this Act, to be conclusive of the fact that such person is a European or American within the meaning of this Act.

Construction of Act.

XV.—The word "European," as used in this Act, shall be understood to include any person usually designated a European British subject. Words in the singular number or the masculine gender shall

be understood to include several persons as well as one person, and females as well as males, unless there be something in the context repugnant to such construction.

Commencement of Act.

XVI.—This Act shall commence from and after the first day of November 1855.

The 13th August 1855.

Act No. XXVI. of 1855.

An Act to facilitate the payment of small deposits in Government Savings' Banks to the representatives of deceased depositors.

Preamble.

Whereas it is expedient to facilitate the payment of small sums belonging to the estates of deceased depositors in the Savings' Banks established by Government within any part of the territories in the possession and under the Government of the East India Company to the representatives of such depositors: It is enacted as follows:—

Secretary of Government Savings' Bank, in certain cases, to pay without probate, &c., money belonging to the estate of a deceased depositor.

I.—If a depositor in any Government Savings' Bank shall die leaving therein a sum of money not exceeding Five Hundred Rupees, and probate of his will or letters of administration of his estate or effects, or a certificate granted under Act No. XX. of 1841, or under Section IV. of Act No. X. of 1851, shall not be produced to the Secretary of such Bank within the period of two months from the time of the death of the said depositor, it shall be lawful for the Secretary of such Bank to pay the same to any person or persons who shall appear to him to be entitled to receive the same, or to administer the effects of the deceased; and such payment shall be a full indemnity and discharge from all further liability in respect of the money so paid; but nothing herein contained shall preclude any executor or administrator or representative of the deceased from recovering from the person or persons receiving the same the amount remaining in his or their hands after deducting the amount of all debts or other demands lawfully paid or discharged by him in due course of administration; and any creditor or claimant against the estate of the deceased shall be at liberty to recover his debt or claim out of the money so paid to such person or persons and remaining in his or their hands unadministered, in the same manner and to the same extent as if such person or persons had obtained letters of administration to the estate of the deceased.

Payment to be a discharge.

Saving of right of executor, &c.

And of creditor.

Security for due administration.

II.—The Secretary of any such Bank may take such security as he shall think necessary from any person or persons to whom he shall pay any money under the preceding Section, for the due administration and distribution of the money so paid, and may assign the same to any person or persons interested in the due administration and distribution thereof, which person or persons may sue on the same in his or their own names.

Power to administer oath, &c.

III.—For the purpose of ascertaining the right of the person or persons claiming to be entitled as aforesaid, it shall be lawful for the Secretary of any such Bank to administer an oath or affirmation; and every person who, having been sworn or having taken a solemn affirmation under this Act, shall wilfully give false testimony upon any examination authorized by this Act, shall be deemed guilty of perjury, and, if convicted, shall be liable to be punished accordingly.

Penalty for false testimony.

IV.—From and after the passing of this Act, no Administrator General of a Presidency shall grant a certificate under Section XLIII. of Act No. VIII. of 1855, in respect of any sum of money deposited in a Government Savings' Bank.

Administrator General not to grant certificate in respect of money deposited.

V.—Nothing in this Act contained shall apply to the payment of money deposited in a Government Savings' Bank belonging to the estate of any European Officer or Soldier dying in Her Majesty's Service in India, or of any European Officer or Soldier, dying in the Service of the East India Company, or to the estate and effects of any Officer, Seaman, or other person dying in the Marine Service of the said Company called the Indian Navy, or to the estate and effects of any person who, at the time of his death; was a deserter from any of the said Services.

Act not to apply to money belonging to the estates of European Soldiers, Sailors, &c.

The 13*th October* 1855.

Act No. XXVII. of 1855.

An Act to enable the Banks of Bengal, Madras, and Bombay, to transact certain business in respect of Government Securities and Shares in the said Banks.

Whereas it is expedient to authorize the several Banks of Bengal, Madras, and Bombay, to transact the kinds of business hereinafter mentioned: It is enacted as follows:—

Preamble.

1.—In addition to the kinds of business in which the Bank of Bengal, the Bank of Madras, and the Bank of Bombay may now by law be respectively engaged, it shall be lawful for any of the said Banks to transact all or any of the following kinds of business, either with or without receiving commission or payment for the transaction thereof, that is to say:—

Banks of Bengal, Madras, and Bombay empowered to transact certain business in respect of Government Securities and Shares in the said Banks.

First.—To take charge of any Government Securities or Shares in any of the said Banks.

Second.—To receive the interest or dividends on any such Securities or Shares.

Third.—To invest any money deposited in any of the said Banks in the purchase of any such Securities or Shares.

Fourth.—To sell or transfer any such Securities or Shares deposited with them, or to receive any principal money that may become payable thereon.

Fifth.—To re-invest the principal, interest, or dividends so received, or the proceeds arising from such sale in Government Securities or Shares in any of the said Banks, or to hold or pay such principal, interest, dividends, or proceeds, or, according to the instruction of their constituents and at their risk, to remit the same by public or private Bills, whether payable in India or not, and to do all acts necessary or proper for the purpose of making such remittances. Provided that, if any such remittance be made by a Note or Bill of any of the said three Banks, the same must be payable in India on demand.

The 13*th October* 1855.

ACT No. XXVIII. OF 1855.

An Act for the repeal of the Usury Laws.

Preamble.

WHEREAS it is expedient to repeal the laws now in force relating to Usury: It is enacted as follows:—

Laws repealed.

I.—Section XXX. of the Act of Parliament, passed in the thirteenth year of the reign of his late Majesty King George the Third, intituled "An Act for establishing certain Regulations for the better management of the affairs of the East India Company as well in India as in Europe," shall not apply in any part of the territories in the possession and under the Government of the said Company to any bond, contract, or assurance whatsoever, which shall be made or entered into within the said territories after the passing of this Act; and the several parts of Regulations mentioned in the Schedule hereto annexed, and all laws in force in any part of the said territories relating to Usury, are hereby repealed.

What rate of interest shall be decreed by the Court in any suit.

II.—In any suit in which interest is recoverable, the amount shall be adjudged or decreed by the Court at the rate (if any) agreed upon by the parties; and if no rate shall have been agreed upon, at such rate as the Court shall deem reasonable.

Rate of interest upon a judgment or decree.

III.—Whenever a Court shall direct that a judgment or decree shall bear interest, or shall award interest upon a judgment or decree, it may order the interest to be calculated at the rate allowed in the judgment or decree upon the principal sum adjudged, or at such other rate as the Court shall think fit.

Contract for the usufruct of property, in lieu of interest, to be binding.

IV.—A mortgage or other contract for the loan of money, by which it is agreed that the use or usufruct of any property shall be allowed in lieu of interest, shall be binding upon the parties.

What amount of interest to be deposited in certain cases of conditional sales under the Bengal Regulations.

V.—Whenever, under the Regulations of the Bengal Code, a deposit may be made of the principal sum and interest due upon any mortgage or conditional sale of land hereafter to be entered into, the amount of interest to be deposited shall be at the rate stipulated in the contract, or, if no rate has been stipulated and interest be payable under the terms of the contract, at the rate of twelve per centum per annum.

Proviso.

Provided that, in the latter case, the amount deposited shall be subject to the decision of the Court as to the rate at which interest shall be calculated.

Rate of interest on future adjustments of accounts.

VI.—In any case in which an adjustment of accounts may become necessary between the lender and the borrower of money upon any mortgage, conditional sale of landed property, or other contract whatsoever, which may be entered into after the passing of this Act, interest shall be calculated at the rate stipulated therein; or, if no rate of interest shall have been stipulated and interest be payable under the terms of the contract, at such rate as the Court shall deem reasonable.

Transactions previous to this Act not to be affected.

VII.—Nothing hereinbefore contained shall prejudice or affect the rights of remedies of any person, or diminish or alter the liabilities of any person, in respect of any act done, or contract entered into, previously to the passing of this Act.

Commencement of Act.

VIII.—This Act shall commence and take effect from the 1st day of January 1856.

SCHEDULE.

Sections IV., VI., VII., VIII., IX., X., and XI., Regulation XV. 1793 of the Bengal Code.

Sections III., V., VI., VII., VIII., IX., and X., Regulation XXXIV. 1803 of the same Code.

Clause 1, Section XXIII, Regulation VIII. 1805 of the same Code, so far as it extends the above-mentioned Sections of Regulation XXXIV. 1803 to the Zillahs therein referred to.

Clauses 3, 4, 5, and 6, Section IX., Regulation XIV. 1805 of the same Code; and so much of Section XI. of the same Regulation as may be deemed to have extended to the Zillah of Cuttack any of the Clauses or Sections above-mentioned, or any law relating to Usury.

Section II., Regulation XVII. 1806 of the same Code, so far as it extends to the Province of Benares, subject to modifications, the above-mentioned Sections of Regulation XV. 1793; and Sections IV. and VI. of the same Regulation.

Sections II., IV., V., and VI., Regulation XXXIV. 1802 of the Madras Code, and Section VIII. of the same Regulation, so far as it may be deemed to limit the rate of interest to be allowed on mortgaged bonds.

Section XXII., Regulation IV. 1816 of the same Code.

Section XIV., Regulation V. 1816 of the same Code.

Section XV., Regulation VI. 1816 of the same Code.

Section XIII., Regulation VII. 1816 of the same Code.

So much of Section VII., Regulation II. 1825 of the same Code as limits the rate of interest to be allowed by the Courts on bonds or other instruments which shall be entered into after the passing of this Act.

Sections X., XI., and XII., Regulation V. 1827 of the Bombay Code.

The 13th October 1855.

ACT NO. XXXI. OF 1855.

An Act relating to the Emigration of Native Laborers to the British Colonies of Saint Lucia and Grenada.

Preamble.

WHEREAS it is expedient to render lawful the emigration of laborers, being Native inhabitants of the Territories in the possession and under the Government of the East India Company, to the British Colonies of Saint Lucia and Grenada, and to provide regulations for ships carrying Native Emigrants from the said Territories to either of the said Colonies: It is enacted as follows:—

Partial repeal of Act XIV. of 1839.

I.—Act No. XIV. of 1839, in so far as it renders liable to penalties every person who shall make with any Native of India any contract for labor to be performed in the British Colonies of Saint Lucia and Grenada, or who shall knowingly aid or abet any Native of India in emigrating from the Ports of Calcutta, Madras, and Bombay, respectively, to the said Colonies, is repealed.

Natives may emigrate from Calcutta, Madras, and Bombay to Saint Lucia and Grenada.

II.—After the passing of this Act, Native inhabitants of the said Territories shall be allowed to pass and to be conveyed as Emigrant laborers to Saint Lucia and Grenada, respectively, from the Ports of Calcutta, Madras, and Bombay, respectively, but not otherwise.

III.—At each of the three Ports aforesaid, it shall be lawful for the Government of the Presidency or place within which the Port is situated, to authorize such person or persons as may be nominated by the Governments of Saint Lucia and Grenada, respectively, to act as Emigration Agents at the aforesaid Ports respectively, and to exercise the powers conferred on Emigration Agents by this Act; and every such Emigration Agent shall make monthly reports to the Government to which he is subordinate of all matters transacted by him in pursuance of this Act.

Appointment and duties of Emigration Agents.

IV.—The Protector of Emigrants at each of the three Ports aforesaid shall act as protector of laborers emigrating under the provisions of this Act from the aforesaid Ports respectively.

Protector of Emigrants.

V.—It shall not be lawful to convey any Emigrant, being a Native of India, who may embark for the purpose of laboring for hire in either of the said Colonies from any of the Ports aforesaid in any ship or vessel, unless a license be obtained for carrying Emigrants in any such ship or vessel from the Government of the Presidency or place in which the Port is situated. A fee, not exceeding one rupee per Emigrant, as may be regulated from time to time by the Local Government, shall be demandable in respect of every such license, which fee shall be carried to the credit of the said Government, and the granting or withholding any such license shall be entirely discretionary with the Government; and in consideration of such license, the Master of every ship conveying, or destined to convey, Emigrants from India, shall execute a Bond, binding himself and his owners in a penal sum of 10,000 rupees, to conform to the several conditions herein provided, and the said Bond shall be executed in duplicate, that it may be put in suit either at the place of execution or in the Colony to which the Emigrants are to be conveyed, and one copy shall be forwarded to the Government of such Colony, to be dealt with as the case may require. And every ship or vessel in which any such Emigrant shall be conveyed, without a license being obtained as aforesaid, shall be liable to be forfeited, and the Master thereof shall be liable, as for a misdemeanor, to a fine of 1,000 rupees for every such Emigrant so illegally conveyed.

Emigrant ships to be licensed.

Fee for license.

Master of ship to give bond.

Penalty if ship be not licensed.

VI.—It shall not be lawful for the Master of any vessel licensed as above-mentioned to receive on board any Emigrant laborer, as above provided, unless such laborer shall have in his possession and show a certificate or pass, to be given to him by the Emigration Agent of the Port, countersigned by the Protector of Emigrants, stating his name, and the name of his father, and his age, and certifying that, having appeared before such Agent, he has declared his willingness to proceed to work for hire in the Colony to which such vessel is bound, and has been engaged by him as an Emigrant to such Colony on the part of the Government thereof.

Master of vessel not to receive on board any Emigrant without a certificate.

Certificate what to state, &c.

VII.—Before any ship or vessel, so licensed to carry Emigrant laborers as above provided, shall be cleared out from any of the aforesaid Ports for either of the said Colonies, it shall be necessary for the Master of such ship or vessel, provided any Emigrant of the description aforesaid shall embark therein, to obtain from the Emigration Agent, so nominated and authorized at such Port as aforesaid, a certificate, under the hand of such Agent, to the effect following, that is to say—

Before Port clearance, Master of ship to obtain certificate from Emigration Agent stating—

First.—That such Agent has, by personal communication, done what is required on the part of such Agent by the third Article of the Schedule hereunto annexed; provided always,

That the third Article in the Schedule has been complied with.

that every such Agent shall make the enquiries specified in such Schedule in an open Court or public office, to which all persons shall have admission.

Proviso. Inquiries therein specified to be public.

Second.—That all the directions contained in the fourth, fifth, sixth, and seventh Articles of the said Schedule, for ensuring the health and safety of passengers, have been duly complied with.

That the directions in the Schedule as to health, &c., have been complied with.

Third.—That (in addition to the directions contained in the said Schedule) such Rules have been complied with as the Governor General in Council shall from time to time frame, touching the medical attendance and medical stores, and the proper clothing to be provided, the species of provisions suited to native habits, the number of women that should accompany the Emigrants, or other matters.

That the Government Rules touching medical attendance, clothing, &c. have been complied with.

VIII.—The probable lengths of the voyages to Saint Lucia and Grenada, from the Ports aforesaid respectively, shall, for the purposes of this Act, be deemed to be—

Probable lengths of voyage.

From the Port of Calcutta, twenty weeks.

From the Port of Madras, nineteen weeks.

From the Port of Bombay, nineteen weeks;

and that no ship or vessel carrying Emigrant laborers to Saint Lucia or Grenada, shall sail from Calcutta, Madras or Bombay at any other time than between the 31st day of August and the 1st day of March next thereafter ensuing.

Time of sailing.

IX.—Before any ship or vessel shall be cleared out from any of the aforesaid Ports for Saint Lucia or Grenada, it shall be necessary for the Master thereof to deliver to the Emigration Agent, so nominated and authorized at such Port as aforesaid, the list specified in Article 10 of the said Schedule, and to obtain such duplicate thereof as is required by the said Article.

Master to deliver list to Emigration Agent.

X.—If the Master of any ship or vessel shall, at any of the Ports aforesaid take on board such ship or vessel any Emigrant laborer of the description aforesaid, and shall clear such ship or vessel for Saint Lucia or Grenada without having fully complied with every particular herein required previously to clearance, he shall be liable, on conviction before any Magistrate or Justice of the Peace, to a penalty not exceeding two hundred rupees for every Emigrant laborer so taken on board his ship or vessel.

Penalty for clearing ship without complying with Rules.

XI.—If the Master of any ship or vessel shall, after having cleared such ship or vessel at any such Port as aforesaid for Saint Lucia or Grenada, take on board any such Emigrant laborer as aforesaid, without having entered such Emigrant laborer in such list as aforesaid, or without having obtained such duplicate as aforesaid containing the entry of such Emigrant prior to clearance, he shall be liable, on conviction before any Magistrate or Justice of the Peace, to a penalty not exceeding five hundred rupees for every Emigrant so taken on board his ship or vessel.

Penalty for taking on board, after clearance, Emigrants not entered in list.

XII.—If any Master of any ship or vessel cleared for Saint Lucia or Grenada as aforesaid, shall, after having obtained such certificate as aforesaid, fraudulently do, or suffer to be done, any act or thing whereby such certificate shall become inapplicable to the altered state of the ship or vessel, its passengers, or other matters to which such certificate relates, such Master shall be liable, on conviction, to a penalty not exceeding five thousand rupees, beside incurring a forfeiture

Penalty for fraudulent acts whereby certificate becomes inapplicable to the altered state of the vessel.

of any Bond executed in consideration of any license obtained for the vessel as originally described.

Custom House Officers and Pilots to exercise, for the purposes of this Act, certain powers vested in the former for the prevention of smuggling.

XIII.—All the powers vested by Law in the Officers of Customs in regard to the searching and detention of ships or vessels, or otherwise for the prevention of smuggling on board thereof, may be exercised by such Officers for the prevention of the illegal embarkation of such Emigrants as aforesaid on board ships or vessels bound for Saint Lucia or Grenada, and of other offences against this Act; and all Pilots in the Service of the East India Company shall be invested with the same powers, and be charged with the same duties as Preventive Officers of Customs in this behalf.

Custom House Officers and Pilots at Calcutta to countersign papers.

XIV.—Whenever a vessel shall clear from Calcutta for Saint Lucia or Grenada with Emigrant laborers duly embarked thereon, the Customs Officer on board such vessel shall countersign the pass or certificate brought on board such vessel by every such Emigrant laborer, and shall keep a register of every such Emigrant laborer as may come on board. And such Customs Officer shall remain on board such vessel until she shall arrive in Saugor Roads, and shall not come away until a muster of the crew and passengers and Emigrant laborers has been made in his presence, and in that of the Pilot in charge of the vessel; and after the Customs Officer has taken muster and quitted the vessel, the Pilot shall continue to exercise the duties indicated in Section XIII. of this Act; and it shall be lawful for him, if he shall deem it necessary, to require the Master or Commander to take a general muster of the crew and passengers and Emigrant laborers on board and to sign a muster roll so taken. And every such Custom House Officer and Pilot shall make a complete Report of the Emigrant laborers on board of any ship at the time of his quitting the same, and such Report shall contain a declaration that, to the best of the declarant's belief, no additional Emigrant laborers have been received on board since obtaining the certificate, and that nothing else has been done or omitted to be done in the ship or vessel contrary to the provisions of this Act; and every such report or muster, if any, shall be transmitted without delay to the Emigration Agent of the Port. And any Custom House Officer or Pilot who shall wilfully make a false, erroneous, or incomplete report of the Emigrant laborers on board of any ship, or who shall connive at the unauthorized embarkation of any such Emigrant laborers, shall be liable, besides dismissal, to a fine of five hundred rupees, commutable, if not paid, to imprisonment in the Calcutta Jail for six months, and the penalty shall be adjudged in like manner as similar penalties are adjudged for offences committed in respect to the Customs Revenue.

To muster crew and passengers and Emigrants.

Report of Emigrants on board.

Penalty.

Punishment for forgery of document required by this Act.

XV.—If any person shall forge, or shall use, knowing it to be forged, any document required by this Act, such person shall be liable to be imprisoned for any period not exceeding seven years.

Penalties how to be enforced.

XVI.—All the several penalties to which the Masters of ships or vessels are liable by this Act, shall be enforced by information laid before any Justice of the Peace, at the instance of the Emigration Agent or of any Officer appointed for the purpose by the Government of the Presidency or place, or may be enforced by putting in suit the Bond given by the Master, if such Bond has been given in consideration of the license granted to the ship.

Act when to take effect.

XVII.—This Act shall take effect as to the said Colonies respectively from the day when the Governor General of India in Council, or in his absence the President in Council shall notify in the *Calcutta*

Gazette that such Regulations have been provided, and such measures taken, as he may deem necessary for the protection of such Emigrants during their residence in such Colony, and in respect of their return to India.

SCHEDULE.

Appointment of Emigration Agent.

1.—The Governors of Saint Lucia and Grenada may, from time to time, nominate such persons as they shall see fit to act as Emigration Agents at Calcutta, Madras, and Bombay.

Remuneration.

2.—The remuneration to be given to any such Agent in India shall not depend upon or be regulated by the number of Emigrants sent by him, but shall be in the nature of an annual salary.

Duty.

3.—Every such Emigration Agent shall ascertain, by personal communication with every Emigrant previously to his or her embarkation from the port or place for which such Agent shall have been appointed, that such Emigrant has not been induced to emigrate by any fraud, false or unreasonable expectation, and is aware of the distance of the Colony to which he or she is about to emigrate from the place where he or she is about to embark, and such Agent shall explain the real advantages likely to be derived by such Emigrant from a removal to such Colony, at the same time cautioning such Emigrant against unreasonable and unwarrantable expectations; and such Agent shall also ascertain that every such Emigrant is in good health and not incapacitated from labor by old age, bodily infirmity, or disease.

Number of passengers.

4.—It shall not be lawful to ship on board of any ship or vessel carrying Emigrants from India to either of the Colonies aforesaid, any number of passengers exceeding the proportion of one person for every two tons of the registered burthen of such ship or vessel; and no such ship or vessel carrying Emigrants, and having more than one deck, shall have less than the height of six feet at the least between decks; and in case such ship or vessel shall have only one deck, a platform shall be laid beneath such deck, and in such manner as to afford a space of the height of six feet at the least, and such platform shall not be so laid as that the lower beams shall project above the same; and no such ship or vessel shall have more than two tiers of berths; and no such ship or vessel shall carry passengers on any such voyage to any of the Colonies aforesaid, unless there shall be an interval of six inches at least between the deck or platform and the floor of the lower tier, throughout the whole extent thereof; and whatever may be the tonnage of the ship or vessel, no greater number of passengers shall be taken on board of such ship or vessel than shall be after the rate of one such person for every twelve superficial feet of the lower deck or platform, unoccupied by goods or stores, not being the personal luggage of such person.

Children.

5.—In the computation of the number of passengers within the meaning of these Regulations, two children under the age of ten years shall be considered as equal to, and shall be reckoned as, one person only.

Provisions.

6.—There shall be actually laden on board of every ship or vessel conveying Emigrants into either of the Colonies aforesaid, at the time of departure of such ship or vessel from the port at which such laborers shall be embarked, good and wholesome provisions for the use and consumption of the said passengers, over and above the victualling of the crew, to the amount or in

the proportion following: that is to say, a supply of water to the amount of five gallons for every week of the computed voyage for every passenger on board such ship or vessel, such water being carried in tanks or sweet casks; and a supply of rice, bread, biscuit, floor, oatmeal, or bread stuffs to the amount of seven pounds weight to every week of the computed voyage for every such passenger. Provided always, that, when any such ship or vessel shall be destined to call at a port or place in the course of her voyage, for the purpose of filling up her water-casks, a supply of water at the rate before mentioned for every week of an average voyage to such port or place of calling shall be deemed to be a compliance with this Regulation; and provided that the preceding Regulation regarding food shall be deemed to have been complied with in any case when it shall be made to appear that, by the special authority of the Governor General of India in Council, any other articles of food were substituted for the articles above enumerated, as being, in his judgment, equivalent thereto.

Survey of ship.

7.—Before any such ship or vessel shall be cleared out on any such voyage, the Emigration Agent appointed for the port or place from which such ship or vessel shall be cleared out shall survey, or cause to be surveyed by some competent person, the provisions and water hereinbefore required to be on board for the consumption of passengers, and shall ascertain that the same are in good and sweet condition, and also that, over and above the same, there is on board an ample supply of water and stores for the victualling of the crew of the ship or vessel, and shall also ascertain that such ship or vessel is generally reputed sea worthy, and that the directions hereinbefore contained for ensuring the health and safety of the passengers have been complied with, and shall grant a certificate thereof, under his hand, to the Master of such ship or vessel.

Master to furnish provisions.

8.—The Master of every ship or vessel conveying Emigrants to Saint Lucia or Grenada shall be bound to provide for and furnish to every such Emigrant, and his wife and children, a sufficient quantity of good and wholesome provisions for his, her, and their daily maintenance during such voyage, and during the space of forty-eight hours next after the arrival of such ship or vessel at the place of destination.

Copies of Rules.

9.—Two copies of these Regulations, and two copies of a translation thereof in the Bengalee language, or such other language as the Government may direct, authenticated by the signature of the Emigration Agent at the port or place at which such Emigrants shall embark, shall be delivered to the Master by such Agent, at the time of clearance, and shall be kept on board of every ship or vessel carrying such Emigrants as aforesaid, during the whole voyage, and one of such copies or translations shall, upon request made at reasonable times to the Master of the ship or vessel, be produced to any passenger for his persual.

List of Emigrants.

10.—The Master of every ship or vessel carrying Emigrants from India to either of the Colonies aforesaid shall, before clearing out such ship or vessel, deliver to such Emigration Agent, at the port or place from which such vessel is cleared out, a list in writing, together with a duplicate of the same, specifying, as accurately as may be, the names, ages, and occupations of all and every the Emigrants on board such ship or vessel, and such Agent shall thereupon deliver to the said Master the counterpart of such list signed by such Agent; and the said Master shall, on the arrival of such ship or vessel at the place of destination, and previous to the disembarkation of any such Emigrants, give notice of the arrival of such ship or vessel, and deliver the said counterpart of such list to the Protector of Emigrants appointed, or to be appointed, at the Colony at which the said ship or vessel may have arrived.

11.—Provided always that nothing in these Regulations contained shall apply to any ship or vessel in the service of the Lords Commissioners of the Admiralty, or to any of Her Majesty's Ships of War.

Rules not applicable to ships of war.

The 1st December 1855.

ACT No. XXXIII. OF 1855.

An Act to prohibit the exportation of Saltpetre, except in British vessels bound to the Ports of London or Liverpool.

WHEREAS it is expedient that, during the continuance of hostilities between the Allied Powers and the Emperor of Russia, the exportation of Saltpetre from India, except in British vessels bound to the Port of London or to the Port of Liverpool, should be prohibited: It is enacted as follows:—

Preamble.

I.—Until the Governor General of India in Council shall otherwise order, it shall not be lawful for any person to export Saltpetre from any part of the Territories in the possession and under the Government of the East India Company, except in a British vessel bound either to the Port of London or to the Port of Liverpool.

Export of Saltpetre from India, except in British vessels bound to London or Liverpool prohibited.

II.—If any person shall attempt to export Saltpetre contrary to the provisions of this Act, the same shall be seized and confiscated.

Saltpetre to be confiscated in case of attempt to export contrary to this Act.

III.—Every person who shall export or attempt to export Saltpetre contrary to the provisions of this Act, or who shall aid or assist in such exportation or attempt, shall, upon conviction before a Magistrate or a Justice of the Peace, be subject to a fine not exceeding the rate of 200 rupees for every ton of Saltpetre so exported or attempted to be exported.

Penalty for exporting, &c.

IV.—No Collector or other Officer of Customs shall, on or after the 17th day of November 1855, grant a pass or permit for the exportation, or shipment for exportation, of Saltpetre from any part of the said Territories, except in a British vessel bound for the Port of London, or for the Port of Liverpool; and every Collector and other Officer of Customs is hereby indemnified for any thing heretofore done or hereafter to be done according to the provisions of this Act.

Officer of Customs not to grant a pass or permit after the 7th November 1855, except according to this Act.

V.—Nothing in this Act shall extend to any Saltpetre shipped prior to the 17th day of November 1855, nor to any Saltpetre, for the exportation or shipment for exportation whereof, otherwise than according to this Act, a permit or pass was granted on or before that day.

Act not to extend to Saltpetre shipped, or for the shipment of which a pass was granted before the 17th November 1855.

VI.—Any Custom House Officer may without warrant, seize Saltpetre liable to confiscation under this Act.

Seizure of Saltpetre.

VII.—If any Saltpetre shall be seized as liable to confiscation, the Collector of Customs shall investigate the case, and, according to his judgment, shall either release the same or adjudge it to confiscation; and whenever he shall declare the same to be confiscated, he shall report his proceeding for confirmation and final adjudication to the superior Revenue authorities.

Adjudication of confiscation.

III.—Any person, whether a European British subject or not, who shall be guilty of any offence for which, according to the provisions of this Act, he shall be liable to a fine, shall be punishable for such offence by any Justice of the Peace, Magistrate, or person lawfully exercising the powers of Magistrate; and any person hereby made punishable by a Justice of the Peace, shall be punishable upon summary conviction.

Fines how to be levied.

The 8th December 1855.

Act No. XXXIV. of 1855.

An Act to explain and amend Act No. XXXIII. of 1852.

Whereas doubts have arisen whether a Court to which application is made to enforce or execute a judgment under the provisions of Act No. XXXIII. of 1852 has power to inquire into the validity of the judgment; and it is expedient to remove such doubts, and to prevent any such Court from inquiring into the validity of a judgment in respect of which it has no appellate jurisdiction, and to provide for a stay of execution when such Court thinks it reasonable that the validity of the judgment should be inquired into: It is enacted as follows:—

Preamble.

I.—The Court to which application is made to enforce or execute a judgment under the provisions of Act No. XXXIII. of 1852, shall not have power to inquire into the validity of such judgment, unless it appear, upon the face of such judgment, that the Court by which the judgment was given had no jurisdiction to pronounce the same.

Court to which application to enforce a judgment of another Court is made, not to inquire into the validity of the judgment.

Proviso.

II.—The Court to which the application is made may, upon reasonable cause being shewn, stay the execution of the judgment for a reasonable time, to enable the judgment-debtor to apply to the Court by which the judgment was given, or to any Court having appellate jurisdiction in respect of the judgment or execution thereof, for an order to stay the execution, or for any other order relating to the judgment or the execution thereof, which such Court of first instance or Court of appeal might have made if execution had been issued by the Court of first instance, or if application for execution had been made to such Court; and in case the property or person of the judgment-debtor shall have been seized under an execution, the Court which issued the execution may order restitution of the property, or the discharge of the person of the debtor, in the mean time.

Such Court may, in certain cases, stay execution of judgment.

III.—Before making an order to stay execution, or for the restitution of property, or the discharge of the judgment-debtor under this Act, the Court may require such security from, or impose such conditions upon, the judgment-debtor, as it may deem reasonable.

Court may, in such cases, take security, &c. from judgment-debtor.

IV.—Any order of the Court in which the judgment was given, or of such Court of Appeal as aforesaid, shall be binding upon the Court to which the application for execution was made, and shall be a sufficient indemnity for all persons acting in execution of process issued by such last-mentioned Court.

Order of Court pronouncing judgment to be binding upon Court enforcing the same.

V.—No discharge of a defendant under the provisions of this Act shall prevent him from being re-taken in execution of the judgment.

Defendant discharged under this Act liable to be re-taken in execution of the judgment.

VI.—This Act shall be read with, and taken as part of, Act No. XXXIII. of 1852.

Act to be taken as part of Act XXXIII. of 1852.

The 15*th December* 1855.

Act No. XXXV. of 1855.

An Act to abolish the levy of Customs Duty on the import of Cotton into the North Western Provinces of the Presidency of Bengal.

Preamble.

Whereas it is expedient to remove all restrictions to the importation of Cotton into the North Western Provinces in the Bengal Presidency: It is enacted as follows:—

Portion of Act repealed.

I.—So much of Section II. Act No. XIV. of 1843, as prescribes the levy of duties of Customs on the import of Cotton, uncleaned or cleaned, into the North Western Provinces of the Presidency of Bengal, is hereby repealed.

Repeal of so much of Schedule of Act XIV. of 1836, as allows a drawback.

II.—So much of Schedule B., Act No. XIV. of 1836, as allows a drawback of the land-frontier duty paid upon Cotton-wool is hereby repealed from the first day of July 1856.

The 15*th December* 1855.

Act No. XXXVI. of 1855.

An Act to empower Officers of Customs and Land Revenue to search Houses and other enclosed places for contraband Salt in the North Western Provinces.

Preamble.

Whereas the existing laws do not empower Officers of Customs or Land Revenue in the North Western Provinces of the Presidency of Bengal to search houses and other enclosed places for Salt manufactured or stored contrary to the provisions of Act XIV. of 1843, and it is expedient to give them power to do so: It is enacted as follows:—

Particulars to be recorded by officers on receipt of information as to unlawful manufacture of Salt, &c.

I.—Whenever any Collector or other Officer of Customs or Land Revenue, not being under the grade of Assistant Patrol in the Customs department, or of Naib Tehseeldar in the Revenue department, receives credible information that, within his jurisdiction, Salt is unlawfully

manufactured, in any dwelling-house, ware-house, or other enclosed place, or that Salt is unlawfully stored in any such house or place within the limits or Customs jurisdiction as defined by the Government of the North Western Provinces of the Presidency of Bengal under the provisions of Section III. of Act XIV. of 1843, he shall first record in writing the name, residence, and calling of the informant, the locality and description of the house or place where he believes the Salt to be manufactured or stored, and the name of the owner or occupant of such house or place, or the name of the person for or by whom such Salt is manufactured or stored, and, with respect to Salt stored, the supposed quantity and description of such Salt, with the grounds for believing the same to be contraband.

Officer thereupon may summon Police and proceed to search a house for contraband Salt.

II.—The said Officer, after recording the particulars aforesaid, may summon from the nearest Police Station a Police Officer, not being under the grade of a Jemadar, to attend him, and with such Police Officer and informant proceed to the said house or place, and in their presence search the same for Salt unlawfully manufactured or stored; provided that such search be not made between sunset and sunrise.

Proviso.

Officer may break open doors.

III.—The said Officer, in company with such Police Officer, may break open the door or force an entry within the said house or place, if, upon requisition duly made, the door be not opened, or admission be refused, by the owner or occupant thereof.

Rules regarding forcible entry.

IV.—A forcible entry under the last preceding Section shall only be made in accordance with the rules and precautions prescribed by Regulation XX. of 1817, and by Section X. Regulation V. of 1800 (for the Benares Province,) and Section XIX. Regulation XXVIII. of 1803 (for the Ceded and Conquered Provinces,) for breaking into a house for execution of process of distraint. Provided, however, that the responsibility for the act, and the determination whether to force an entry or not shall rest with the Officer of Customs or Land Revenue only.

Proviso.

What to be deemed contraband Salt.

V.—No Salt found stored in any house or place within the limits of Customs jurisdiction mentioned in Section I. of this Act, not being Salt unlawfully manufactured thereat, shall be deemed contraband, unless the quantity found shall exceed five seers in weight.

Penalty if Police Officer refuses or neglects to attend or aid in search or seizure.

VI.—Whoever, being a Police Officer summoned under Section II., fails to attend himself or to depute a subordinate Police Officer, not being below the grade of a Jemadar, to attend, and any Police Officer who, after attending, refuses to aid in the search for, or seizure of, contraband Salt, or in any way wilfully frustrates the object of the search or seizure, shall, on conviction before a Magistrate, be liable, besides being dismissed from office, to a fine equal to the amount of fine that would have been leviable on the owners or holders of the Salt if it had been seized according to the information laid.

Penalty for vexatious search and for giving false information.

VII.—Any Officer of Customs or Land Revenue, vested with power to carry into effect the provisions of this Act, who, under cover thereof, searches or causes to be searched any dwelling-house, ware-house, or other enclosed place without reasonable grounds of suspicion that contraband Salt is there manufactured or stored, shall, upon conviction before the Magistrate within whose jurisdiction the offence may have been committed, be punished with fine not exceeding five hundred rupees, which fine, or any portion thereof, may be paid over to the party aggrieved, and,

in default of payment of such fine, with imprisonment for a period not exceeding six months; and any person wilfully and maliciously giving false information, and so causing a search to be made in any dwelling-house, ware-house, or other enclosed place, to the injury or vexation of the owners, occupants, or any other person or persons whatsoever, shall, on conviction before a Magistrate, be liable to the same penalty, and also to imprisonment for a period not exceeding two years, with or without hard labor.

Every case of search to be reported to superior Officers.

VIII.—Every search under this Act, whether the result thereof be the seizure of contraband Salt or otherwise shall be reported within forty-eight hours by the Officer of Customs or Land Revenue and by the Officer of Police present at the search, to their respective official superiors.

What to be deemed a manufacture of Salt.

IX.—The purification or refinement of impure Salt, obtained in the manufacture of Saltpetre, so as to produce alimentary Salt, shall be deemed a manufacture of Salt within the meaning of this Act and of Act XIV. 1843.

The 22nd December 1855.

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ORDERS OF THE GOVERNMENT,

NORTH WESTERN PROVINCES,

FOR 1855.

JUDICIAL DEPARTMENT.

No. 244 A.—*Notification.—Judicial and Revenue Department,—Camp Ghosulpoor, dated the 23rd January* 1855.

IT being very desirable, with a view both to an efficient control over the Executive and Ministerial establishments, and to the proper encouragement and protection of the Officers serving on them, that a permanent record should be maintained and employed for systematic reference of all orders and proceedings of superior authorities, relating to the character and conduct of such Officers, the Hon'ble the Lieutenant-Governor is pleased to issue the following rules, to be in force from the 1st March next.

The rules are made applicable, for the present, only to the Establishments of the Revenue and Police departments, their extension to other departments being reserved for separate Orders.

I.—Character books shall be prepared and kept up in the offices of the Commissioners of Revenue and Police, with entries for the Clerks of the English office drawing Rs. 50 and upwards, for Serishtadars and Record-keepers, and for Officers of other grades, who may draw a salary of the above amount; and in the offices of the Magistrates and Collectors, to include Officers of the same grades, and scale of pay, with the addition of the Jail Darogahs, and Foujdarce and Revenue Nazirs; as also, for the Tuhseeldarces and Thanahs in each district, to include Tuhseeldars, Naib Tuhseeldars or Peshkars, Thannahdars, Mohurrirs, and Jemadars.

Two books will be kept by the Magistrates and Collectors, one for the Sudder office, and one for the Mofussil offices.

II.—The books to be of English paper, and strongly bound for permanent record. All entries will be made either by the Head of the office, or by the Officer in charge of a sub-division, under the Circular Order dated 25th May 1854, No. 745 A. Entries made in such cases for a sub-division, (within such limits of penalty as may be allowed, in each instance, in the discretion of a Magistrate and Collector,) are to be shown monthly to the latter Officer, and to be countersigned by him at the close of the month, in attestation of their having been inspected by him.

III.—A page will be left blank in regard to each officer, for the entry in the first instance, and afterwards yearly, of any of his connections, who may be employed in the same district. The entries on the page following, will be according to the Form annexed. Two or three further pages will be left blank, in each instance, for additional entries.

IV.—The brief description of the previous service of the Officer in any of the higher grades, which is to be placed at the head of the entries, as shown in the Form, should be taken from each Officer concerned, who will be held strictly responsible for its correctness. In the columns marked for the purpose, a brief record will be made of every order or proceeding hereafter issued, conferring any marked reward, or noticing with *special* credit, the conduct of the Officer in any particular case. The nature only of the order or

reward will be noted, with a distinct reference to the proceedings of the case itself. In those proceedings it will invariably be mentioned that the appropriate entry has been directed to be made in the character book.

V.—All such notices will be in English, excepting where a sub-division may be under a Native Deputy Collector and Joint Magistrate, who will, in that case, record the notice in his own language. All such notices will be signed in full by the Officer responsible for them at the time when they are made.

VI.—The record will, ordinarily, be simply a note of the purport of the order of approbation or censure, expressed so as to enable the original record to be traced without delay. In cases in which the head of an office, called upon to testify to the character of any of the Officers included in the register, may have clear and strong ground for certifying the peculiar merits and efficiency of such Officer, when these may not be apparent on the face of the entries, or in which, on giving over charge of the office, he may, from the like nature of the entries, think it just to leave such a record, he will be at liberty to add a note stating his opinion generally to that effect, and the circumstances on which it is founded. Otherwise, the record will be only of orders of proceedings actually held in respect to each officer, as occasion may arise.

VII.—All orders of promotion, and of suspension or dismissal, will be entered as indicated by the annexed Form. Resignations of office, connected with no cause of censure on the conduct of the Officer, may be entered in a separate foot note.

VIII.—If any order, whether of approval or censure, may subsequently be overruled, or altered by superior authority, the circumstance will be carefully noted by a red-ink entry, written across the original entry.

IX.—On all occasions of the promotion, suspension, or removal of an Officer, an extract from the character book, comprising *all* its entries, will be attached to the proceeding recorded in the native office, and will form a necessary part of the record, when submitted, as may be requisite under the established rules, to higher authority.

X.—No Officer who has served in one district, shall obtain employment in another district, without an extract from the character book being filed with the proceeding of appointment; and, on his appointment in the new district taking place, the extract will be incorporated in the character book of that district.

Such extract shall be claimable by the Officer as of right, and shall be given without expense, under the signature of the head of the office. But the extract shall be complete, so as to comprehend all entries, whether of approval or the reverse. The practice of issuing commendatory Perwannahs, or separate certificates of good character, in the case of Officers upon establishments, and of grades, for which the registers are to be formed, is strictly prohibited from the date on which these orders will have effect. Opinions as to peculiar ability and good character may be recorded on the extracts, in cases in which they may be thought to be specially called for, under the provisions contained in Rule VI.

XI.—Officers will be at liberty to make a record of the character of persons in the lower grades, as of Duffadars and Burkundazes, in cases which they may regard as of highly marked good conduct, meriting such a distinction. Where such a record is made, it should also be noted whether the party has received any, and what, extent of education.

XII.—Heads of departments in other districts, desirous to give employment to Officers of approved good conduct, will be at liberty to refer for any information which can be supplied from these registers in any part of the country in which they are kept up.

XIII.—It will be the duty of Commissioners, on their annual tours, to see that the present Rules are regularly and carefully observed by the several Officers responsible for their execution, and the subject will be specially mentioned in their yearly Police reports.

TOORAB ALLEE.

Is the son of a Zemindar of the District, *vide* letter of to the Collector, dated the He was appointed Peshkar of the Tuhseel by Mr. in In he was appointed Officiating Tuhseeldar of by and confirmed in the substantive appointment by the Commissioner, in his letter No. dated He has landed property in the District.

N. B.—Note, on the page left for that purpose, any relatives employed in the District to which the register relates, and any periods of discontinuance of the Government service exceeding six months, with the reason for relinquishing it at that time.

NOTE.—On this half page enter notices of approbation and rewards, and orders of promotion.

NOTE.—On this half page enter notices of censure or punishment, including suspension and dismissal.

No. 2 B.—*Resolution.—Judicial and Revenue Department,—Head-Quarters, Budaon, Dated the* 28*th March* 1855.

THE existing practice, by which Joint Magistrates and Deputy Collectors, of the First and Second Grade respectively, are nominated to certain designated Districts, but frequently, from the exigencies of the service, appointed to officiate elsewhere, being inconvenient and open to objection, the Lieutenant-Governor is pleased to resolve that appointments shall in future be made to one or other of those grades generally, the posting to particular stations being made from time to time, according to public urgency and convenience, without regard to the grade in which the Officer may stand. The appointments in the higher grade will, however, continue to be limited to their present number.

No. 797.—*From the Quarter Master General of the Army, to the Secretary to Government, North Western Provinces, Nynee Tal.—Quarter Master General's Office,—Head-Quarters,—Simla, the* 10*th July* 1855.

As the present Route Book, compiled in 1838, is found both incorrect and incomplete, from so many changes having taken place since its compilation, by the transfer of Stages from one district to another, or the substitution of new Stages, and by the abandonment of old lines of routes for new roads, better adapted for the march of Troops, it is absolutely necessary that a revised edition of the Book of Routes and Stages should be compiled in this Department, and published for general guidance as soon as possible.

2.—For this purpose the sanction of the Supreme Government has been obtained, and I am instructed by the Commander-in-Chief to transmit to you a copy of the Government letter on the subject, for submission to the Hon'ble the Lieutenant-Governor, North Western Provinces; and with advertence thereto, I am desired to state, that His Excellency trusts His Honor will give his cordial support to the proposed important undertaking, and direct the local Civil Officers in charge of the several Districts under the jurisdiction of the Government, North Western Provinces, to furnish me with all accurate and reliable data in connection with the Routes and Stages, within their respective districts.

3.—A memorandum of the form in which information is required, is hereto annexed, and I am only desired to add that not the main lines only, but *all* lines on which there is any traffic, or by which Troops could, and might on emergency, march, should also be included.

4.—On the receipt of the information now solicited, the local Civil Officers will, with the concurrence of His Honor, be further addressed by me on the subject as occasion requires.

5.—It would also be desirable that all Engineer Officers, or others in charge of roads in the North Western Provinces completed or in progress, should be instructed by His Honor to attend to my requisitions for information on this subject, and to obviate future errors, or this Department being misinformed on a subject for which it is responsible to the Commander-in-Chief. May I request you will cause a general order to be issued directing all changes of routes, or alterations in stages either in name, distance, or district, to be regularly and at once notified to me by the Officer or Department authorizing the same, for the immediate correction of existing routes in my office, and as soon as *any new road* is determined upon and opened, full particulars of the same should be supplied for my guidance.

No. 573.—*From the Officiating Secretary to the Government of India, in the Military Department, to the Quarter Master General of the Army.—Military Department,—Fort William, the 20th June* 1855.

In reply to your letter, No. 607, of the 22nd May 1855, relative to the compilation of a revised edition of the book of Routes and Stages for this Presidency, I am directed to acquaint you for the information of His Excellency the Commander-in-Chief, that the necessary communication on the subject has this day been made to the Local Government, with a view to the Civil Authorities of all Departments being instructed to collect such accurate reliable data in connection therewith, as those Officers may be able to furnish on your requisition.

2.—I am at the same time desired to convey the sanction of the Hon'ble the President in Council, to your corresponding with the Local Civil Officers direct on this subject.

FORM.

STATEMENT OF ENCAMPING GROUNDS IN THE DISTRICT OF AGRA.

Route from Agra towards Bhurtpoor.

Territory.	Civil Authorities.	Names of Stages.	Distance. Miles.	Distance. Furls.	Rivers.	No. of Nullahs.	REMARKS.
B. D. Agra, ..	Agra, ...	Meerakoor, ...	8	4			
		Futtehpoor Sickree, ...	12	5			
	Governor Genl.'s Agent in Rajpootana, ...	Bhurtpoor, ...	15	2			

Route from Agra towards Muttra.

Territory.	Civil Authorities.	Names of Stages.	Distance. Miles.	Distance. Furls.	Rivers.	No. of Nullahs.	REMARKS.
B. D. Agra, ..	Agra, ...	Nurkutta, ...	12	0			
		Furrah, ...	10	4			
	Muttra, ...	Muttra, ...	13	0			

Route from Agra towards Mynpoorie.

Territory.	Civil Authorities.	Names of Stages.	Distance. Miles.	Distance. Furls.	Rivers.	No. of Nullahs.	REMARKS.
B. D. Agra..	Agra, ...	Etimadpoor, ..	14	0	Jumna.		
		Ferozabad, ...	13	7			
	Mynpoorie, ...	Shekoabad, ...	11	1			

Route from Agra towards Allygurh.

Territory.	Civil Authorities.	Names of Stages.	Distance.		Rivers.	No. of Nullahs.	REMARKS.
			Miles.	Furls.			
E. D. Agra, ..	Agra, ...	Kundowlie, ...	13	0	Jumna.		
	Allygurh, ...	Saidabad, ...	9	0			

N. B.—The distances of Stages should be those from one encamping ground to another, where such grounds exist, and not those between the Villages or Towns from which the Stages are named, and where no ground is marked out or assigned as an encamping ground, the points from and to which the distance of each is given should be indicated, and each route should also include the Stage in and out of each district, from and to its adjoining one, *vide* Form. In the column of remarks the following points might be noticed:—

I.—Fords, Ferries, and Bridges across Rivers, their ordinary condition and the means available for improving them speedily, if circumstances should require it.

II.—The existence of Dâk Bungalows at any of the Stages.

III.—Any unusual deficiencies of supplies, forage, or water, or difficulties caused by Nullahs, heavy sand, or the nature of the soil after rain.

IV.—Towns and *large* Villages on or near the road between any two Stages and their distances from the last Village.

V.—Roads good or bad, metalled or unmetalled.

VI.—Burdasht Khanas constructed or not, at the several Stages.

No. 1760 A.—*From the Secretary to Government, North Western Provinces, to the Commissioners of Divisions.—Judicial Department,—Head-Quarters,—Nynee Tal, the 18th August* 1855.

As it is found important to distinguish in the Annual Police Reports the amount of stolen property recovered through the exertions of the Police from that recovered by means of the parties themselves, you are requested to instruct the Magistrates subordinate to you to supply this information for future years, by a Foot-Note to the Statement No. 1, prescribed by the Resolution, No. 653 A., of the 22nd March last.

No. 3454 A.—*From the Secretary to Government, N. W. Provinces, to Commissioners of the Divisions.—Judicial Department, Criminal,—Dated Head-Quarters, the 20th August* 1855.

I AM directed to forward for your information and guidance, and for circulation to the District Officers subordinate to you, the accompanying copy of correspondence* with the Commissioner of Benares, connected with the subject of the Resolution of 6th July last, No. 1416 A., regarding measures for keeping up an active pursuit of proclaimed offenders.

* From Commissioner, Benares, dated 28th July 1855, No. 81.
Reply of this date.

No. 81.—*From the Commissioner, 5th Division, to Secretary to Government, North Western Provinces.—Dated Benares, the 28th July* 1855.

With reference to the Six-monthly Hue-and-Cry sheets, prescribed in paragraphs 6—8 of Government Order, No. 1416 A., of 6th July 1855, and the accompanying sheet received from the Commissioner of Agra, I have the honor to request instructions as to the language and character, as well as form, in which these sheets should be drawn up.

2nd.—It appears to me that the form should be that of Register No. 2, and that, as the pamphlet is for circulation "to Commissioners and Magistrates," it had better be in English. The preparation and submission of English extract Register, will probably be in some degree supervised by the European Officer himself; whereas, if only a vernacular statement be sent to this office, it will, in most instances, be comparatively useless.

3rd.—I also beg to be informed, whether the prisoners who have broken Jail should be included in the list of proclaimed offenders.

No. 1765 A.—*From the Secretary to Government, N. W. Provinces, to Commissioner of Benares.—Judicial Department, Criminal,—Dated Head-Quarters, the 20th August* 1855.

I am directed to acknowledge the receipt of your letter dated 28th ultimo, No. 81, with enclosure, and in reply to state, that the paper you have sent is the district Hue-and-Cry sheet, referred to in paragraph 6 of the Resolution dated 6th July, which need only be in the vernacular.

2nd.—But according to Section 7 of the Resolution, a pamphlet will be prepared in the early part of next year, with entries for each Division, and all names and particulars should, in this yearly pamphlet, be stated in English, Oordoo and Hindee. It is only this yearly pamphlet which is to be circulated to all Magistrates and Commissioners.

3rd.—The proclamations, in regard to prisoners who have broken Jail, are to be kept distinct from those regarding proclaimed offenders, and will be on yellow paper.

4th.—A copy of your letter, and of this reply, will be circulated for general information.

No. 1849 A.—*From the Secretary to Government, North Western Provinces, to the Commissioners of Divisions.—Judicial Department,—Dated Head-Quarters,—Nynee Tal, the 28th August* 1855.

I AM directed to inform you that, wherever, on the reformed arrangments of the Police, such as have been sanctioned in the Allahabad District, in the Meerut Division, and in other quarters, 1st Class Jemadars have been placed in the immediate charge of portions of Thanah jurisdictions, the Lieutenant-Governor will be prepared to vest these Officers with the powers of a Thanahdar, when the Magistrate may specially recommend them as fit to be entrusted with the primary discharge of such powers.

2.—The powers will be granted in order that the 1st Class Jemadars may be able to act with promptitude in cases of emergency, but they will be exercised in subordination to, and subject to the control of, the Thanahdar of the Division.

3.—You are requested to instruct the Magistrates under you to submit the names of any 1st Class Jemadars whom they think qualified to be vested with higher powers in conformity with the present direction.

No. 1717 A.—*Resolution.—Judicial Department,—Nynee Tal, the 13th August* 1855.

IT having been brought to notice, in connection with the revision of the Police Establishments in the Meerut Division, that Tehseeldars, when appointed Deputy Magistrates, are exposed to loss in being obliged to provide Stationery, and the services of a Mohurrir to record proceedings, prepare returns, &c., the Lieutenant-Governor is pleased to resolve that, whenever an Officer, of the grade of Tehseeldar or Moonsiff, may exercise the powers of a Deputy Magistrate, he shall draw in that capacity a monthly contingent allowance of ten rupees to cover the above expenses.

This allowance will be drawn from the 1st instant.

Bills for this amount will be audited by the Civil Auditor, North Western Provinces, on the counter-signature of the Magistrate of the District, who will certify that the Moonsiff, or Tehseeldar, has, during the month, exercised the functions of a Deputy Magistrate.

Order.

Ordered, that copies of this Resolution be forwarded to the Nizamut Adawlut, North Western Provinces, for communication to Sessions Judges, and, through the Commissioners of Divisions, for the information and guidance of Magistrates of Districts.

Ordered also, that a copy be furnished to the Civil Auditor.

No. 1836 A.—*Judicial Department,—Head-Quarters,—Nynee Tal, the 25th August* 1855.

READ a letter from the Commissioner of Dehlie, dated 23rd October 1854, No. 162, with enclosures.

Read a letter from the Commissioner of Meerut, dated 3rd February 1855, No. 17, with enclosure.

Read a letter from the Commissioner of Agra, dated 22nd December 1854, No. 138, with enclosure.

Read a letter from the Commissioner of Allahabad, dated 30th October 1854, No. 250, with enclosure.

Read a letter from the Commissioner of Benares, dated 4th October 1854, No. 131, with annexure.

The Hon'ble the Lieutenant-Governor having had under consideration the above replies to the Circular Order, No. 3718, dated 2nd September 1854, regarding the number and cost of the several Burdasht Khanahs on the Grand Trunk Road, is pleased to record the following

RESOLUTION.

1.—The attention of the Lieutenant-Governor having been drawn to the great want of uniformity, both as regards the design and the cost of erection, which is observable in the Burdasht Khanahs constructed on the Grand Trunk Road and its branches, and the only objection to the plan published in the selected papers and orders regarding the march of Troops, and the mode of supplying them, &c., appearing to consist in the want of sufficient protection to the perishable articles of consumption which are stored in the shops attached to these Buildings, the following Rules are prescribed for future observation.

2.—In all Burdasht Khanahs which may hereafter be built, the accompanying design shall be strictly adhered to.

3.—The ground plan is precisely the same as that which was published in the selected papers above referred to, but the material of which the shops are composed is of kiln-burnt bricks, set in loam, instead of the sun-dried bricks generally used, with an arched verandah of the same material.

4.—The roof of the shops is to be flat-terraced, and of the verandah, tiled.

5.—This portion of the building is to be plastered with lime mortar.

6.—The Godowns in the interior of the enclosure, being intended for the reception of articles which are not liable to injury by exposure to the weather, need be only composed of sun-dried bricks upon a foundation of kiln burnt bricks; covered by a sloping roof of common tiles.

7.—The average cost of such a structure would not exceed 600 Rupees, and about 500 Rupees may often be sufficient for the purpose.

8.—Whenever the erection of a new Burdasht Khanah may hereafter be sanctioned, the actual cost within the limit above indicated will be authorized as a charge against the surplus Ferry Funds credited to Government, and not against the Ferry Fund allotment of the district in which it is situated.

Ordered, that copies of this Resolution be forwarded for the information and guidance of the Commissioners of Dehlie, Meerut, Agra, Allahabad, Rohilcund, Benares, and Saugor, Superintendent of Police and Supplies Grand Trunk Road, and Chief Engineers, N. W. Provinces and Saugor.

No. 1958 A.—*From the Secretary to Government, N. W. P., to the Commissioners of Divisions.—Judicial Department,—Dated Head-Quarters,—Nynee Tal, the 5th Sept.* 1855.

WITH reference to the orders No. 653 A., dated 22nd March last, prescribing a revised form of Police Report, I am directed to request that you will, with your future reports, submit a Comparative Statement for the whole Division, compiled from the District Return, No. 1, in the accompanying Form.

DIVISIONAL ABSTRACT

Comparative Triennial Statement of Crimes and Offences, with

Description of Crimes.	Bijnour.									Moradabad.									Budaon.								
	Area Square Miles.	*Population.*	*Land Revenue.*							*Area Square Miles.*	*Population.*	*Land Revenue.*							*Area Square Miles*	*Population.*	*Land Revenue.*						
	000	000	000							000	000	000							000	000	000						
	Crimes and offences ascertained to have occurred during 1854, as compared with the two preceding years.	Result of Prosecutions during 1854.								Crimes and offences ascertained to have occurred during 1854, as compared with the two preceding years.	Result of Prosecutions during 1854.								Crimes and offences ascertained to have occurred during 1854, as compared with the two preceding years.	Result of Prosecutions during 1854.							
		Prosecuted to conviction for crimes committed in 1854.		Persons convicted in 1854 for crimes committed previously, in Court of							Prosecuted to conviction for crimes committed in 1854.		Persons convicted in 1854 for crimes committed previously, in Court of							Prosecuted to conviction for crimes committed in 1854.		Persons convicted in 1854 for crimes committed previously, in Court of					
		Cases.	Persons in Court of								Cases.	Persons in Court of								Cases.	Persons in Court of						
			Sessions or Nizamut Adawlut.	Magistrate.	Sessions or Nizamut Adawlut.	Magistrate.	Total Convictions in 1854.					Sessions or Nizamut Adawlut.	Magistrate.	Sessions or Nizamut Adawlut.	Magistrate.	Total Convictions in 1854.					Sessions or Nizamut Adawlut.	Magistrate.	Sessions or Nizamut Adawlut.	Magistrate.	Total Convictions in 1854.		
	1852.									1852.									1852.								
	1853.									1853.									1853.								
	1854.									1854.									1854.								

OF STATEMENT I.

Return of Convictions for 185 , *in the Division of*

Bareilly.												Shahjehanpoor.												Total.											
Area Square Miles.			Population.				Land Revenue.					Area Square Miles.			Population.				Land Revenue.					Area Square Miles.			Population.				Land Revenue.				
000			000				000					000			000				000					000			000				000				
Crimes and offences ascertained to have occurred during 1854, as compared with the two preceding years.			Result of Prosecutions during 1854.									Crimes and offences ascertained to have occurred during 1854, as compared with the two preceding years.			Result of Prosecutions during 1854.									Crimes and offences ascertained to have occurred during 1854, as compared with the two preceding years.			Result of Prosecutions during 1854.								
			Prosecuted to conviction for crimes committed in 1854.				Persons convicted in 1854 for crimes committed previously, in Court of								Prosecuted to conviction for crimes committed in 1854.				Persons convicted in 1854 for crimes committed previously, in Court of								Prosecuted to conviction for crimes committed in 1854.				Persons convicted in 1854 for crimes committed previously, in Court of				
				Persons in Court of												Persons in Court of												Persons in Court of							
1852.	1853.	1854.	Cases.	Sessions or Nizamut Adawlut.	Magistrate.		Sessions or Nizamut Adawlut.	Magistrate.	Total Convictions in 1854.			1852.	1853.	1854.	Cases.	Sessions or Nizamut Adawlut.	Magistrate.		Sessions or Nizamut Adawlut.	Magistrate.	Total Convictions in 1854.			1852.	1853.	1854.	Cases.	Sessions or Nizamut Adawlut.	Magistrate.		Sessions or Nizamut Adawlut.	Magistrate.	Total Convictions in 1854.		Description of Crimes.

No. 1994 A.—*Judicial Department,—Nynee Tal, the 11th September* 1855.

READ the following returns to Circular No. 882, of 6th March 1855, regarding suggestions by the General Superintendent Thuggee and Dacoitee Department for the prevention of Dacoitées and other Offences by organized Gangs :—

From Commissioner of the Rohilcund Division, dated 27th April 1855, No. 57, with enclosure.

From Officiating Commissioner of the Dehlie Division, dated 12th May 1855, No. 83, with enclosures.

From Commissioner of the Agra Division, dated 5th June 1855, No. 47, with do.

From Commissioner of the Allahabad Division, dated 21st June 1855, No. 105, with do.

From Commissioner of the Saugor Division, dated 23rd June 1855, No. 250, with do.

From Commissioner of the Benares Division, dated 11th July 1855, No. 73, with do.

RESOLUTION.

The state of things under which this enquiry originated has happily now ceased in consequence of the energetic measures adopted by the Political Authorities of Rajpootana, owing to which no Dacoitees have been committed along the whole Western Frontier of the Districts under this Government, since the early part of the present year.

2.—The Lieutenant-Governor is of opinion that the most direct and effectual remedy against the recurrence of such outrages is to be looked for in the exercise of the same activity on the part of the Political Officers, and does not see the prospect of adequate advantage in organizing, at present, special means of vigilance, and additional precautionary force, along the Frontier line.

3.—These papers have, however, raised the more general question of the means of improving the discipline, training, and employment of the Police throughout all the Districts of these Provinces.

4.—The Lieutenant-Governor is happy to think that, within the Provinces themselves, there now exists no systematic habit of violent crime, committed by any associated parties of Dacoits, or other class of robbers.

5.—In instances where there has been reason to suspect concert between residents of the British Districts and the subjects of Foreign States in the commission of Dacoitees, special detective means of a general character have been directed by the deputation of the Assistant Superintendents in the Thuggee and Dacoitee Department. For example, the Head-Quarters of Lieutenant T. H. Chamberlain, the Assistant Superintendent of that Department in the Dooab, have been removed from Meerut to Etawah, where he is now engaged in putting down the Bhadooreea gangs of Dacoits, whose homes are in the Gwalior Territory.

6.—Detective measures within particular Districts, against ordinary crimes not attended with danger to the public peace, are of a more limited scope, and are adopted, from time to time, through the agency of the Local Officers, as has recently been authorized on an application from the Magistrate of Moradabad with a view to the suppression of Cattle-stealing.

7.—In respect, however, to an improved discipline and management of the whole Police force of Districts, some new measures may, it seems to the Lieutenant-Governor, be now sanctioned with a fair promise of benefit.

8.—The arrangements in course of execution, and already carried out in a number of Districts, have introduced a fixed rate of standard pay for all grades of the Police Officers; though as yet, in some quarters, an approach only can be made to this scale, pending the general revision of Establishments as Districts become open to re-settlement.

The scale is as follows :—

Thanahdars.

One-third, at 60 Rs.
Two-thirds, at 40 Rs.

Out-post Jemadars.

One-third, at 20 Rs.
Two-thirds, at 16 or 15 Rs.
Mohurrirs, at 12 and 10 Rs.
Jemadars at Thanahs, at 10 Rs.
Duffadars, and also occasionally *Mududgars*, at 8 and 6 Rs.

And one-quarter, or one-third, of the *Burkundazes*, at 5 Rs.; the remainder at the old rate of 4 Rupees.

9.—It appears to the Lieutenant-Governor to be very important that in the first selection, and in the subsequent distribution and promotion, of all the members of his Police force, upon the better prospects thus opened to it, a Magistrate should take a more direct part, and feel a more clear personal responsibility, than may have heretofore been required by orders from the Government.

10.—For this purpose, the Lieutenant-Governor directs that the whole force under each Magistrate shall be considered, and systematically regulated, as a force for the entire District. A list of *all* its members should be kept in English, in a book of the same kind as has been prescribed for the Character book, and should form one of the fixed records of the Magistrate's Office. Every entry of employment, or promotion, should be made in this book under the orders of the Magistrate himself,—or of the Officer in charge of a sub-division, to whom such authority may be delegated by the Magistrate,—with particulars of the caste, parentage, residence, and qualifications of the party to whom it refers. On the first week of each Quarter, the book should be inspected by the Magistrate,—a Note made of marked good or bad conduct on the part of members of the Force,—and orders given, where, upon due enquiry, they may be found to be called for, regarding the distribution of the whole body of the Police, so as to preclude the possibility of any part of the Force being regarded as attached only to particular Thanahs, or of the men, in any of its grades, being kept too long where they may be likely to form injurious local connections.

11.—The degree of attention and interest, with which the above duty may have been performed by the Magistrates of Districts, will be one of the subjects to be noticed by the Commissioners of Divisions in connection with the orders in paragraph 5 of the Resolution of Government of March last, regarding the topics to be always included in the preparation of the Annual Police Reports. The establishment of as ystem of this kind may lead, it is to be borne in mind, to the very desirable result of causing the higher Police posts to be filled, in a greatly increased ratio, by promotions given as the reward of proved meritorious service in the lower ranks. The hope of such advancement must tend materially to raise the tone and character of the whole Police Establishments. Ultimately, it may be found practicable to declare the rule that only those who have served as Burkundazes shall be named to the upper grades, up to those at least of Jemadar or Mohurrir.

12.—In regard to the arming of the Police, the Lieutenant-Governor is satisfied that no scheme for giving fire-arms to the Thanah Burkundazes generally would be likely to have useful results. He thinks, however, that means might readily be taken by the several Magistrates to have a certain number both of the Police Sowars, and of the Thanah Burkundazes and Tuhseel Chuprassees, trained to the use of Fire-Arms, so that

a Magistrate may have some body of men under his immediate command, on whom considerable dependence could be placed for supporting his authority in the event of any local breach of order.

13.—The only men, carrying fire-arms, who are now at the disposal of the Magistrates, are the members of the Jail Guard. A portion of these could always be withdrawn in cases of exigency, but it is not desirable that the Jails should ever be left without a large portion of the armed guards, present on duty at them.

14.—The plan that seems to the Lieutenant-Governor to be the most feasible, and the least likely to cause waste of time and effort, or other inconvenience, is that a Magistrate, who is desirous to make an attempt of this kind to improve the Police at the Sudder Station, should be authorized to indent for Muskets to the number of 50, (besides those issued to the Jail Guard,) with ammunition on the same scale as is now given to the Jail Guards; 20 percussion pistols being also added for the use of picked men of the Sowar force.

15.—The training of the Burkundazes at the Sudder Station, with any Burkundazes from the Mofussil Thanahs, or Chuprassees from the Tuhseelees, whom a Magistrate may find that he can conveniently bring into the Station for a time for this purpose, can be effected in the same manner, and under the same direction, as is already provided for the training of the Jail Guards.

16.—To all men of the Burkundaze Force at the Sudder Station, where a Magistrate may wish to make such an experiment, the Lieutenant-Governor will authorize the issue of uniforms of the prescribed pattern, in the same manner as has been sanctioned for the Burkundazes on the Grand Trunk Road.

17.—A suggestion has been made that, in this manner, a body of men might be formed who might be amalgamated with the Jail Guards, and might form a general District Guard, to be employed, in the discretion of the Magistrate, in guarding Jails, Tuhseelees, (with despatches of Treasure), and Thanahs, while the ordinary Tuhseel and Thanah duties would be performed by Burkundazes or Chuprassees of the present class. The separate control which exists over the Jail and the other District Establishments, may prevent the complete adoption of this suggestion. But the Lieutenant-Governor would encourage the attempt to organize a distinct body for the other duties of guard in a District. This might consist of the Burkundazes at the Sudder Station, or of a select number of them, and of a certain proportion of the present number of Burkundazes and Chuprassees at the Thanahs and Tuhseelee Stations.

18.—The training of Police Sowars may, perhaps, best be provided by collecting several from each District at the Head-Quarters of the Division, and obtaining instructors for them, as may from time to time be required, by application to the Military Department for the loan of qualified persons from the nearest Corps of Irregular Cavalry.

19.—The Lieutenant-Governor will be prepared, on application from any Magistrate who may state his wish to make the experiment of training a portion of the Police in his District in the manner here stated, to give directions for the issue, upon indent, of the regulated number of arms, and amount of ammunition, if they can conveniently be spared from the Arsenals at Allahabad, Agra, or Dehlie. And he will be ready also to authorize proposals for employing a limited number of the District Establishments, exercised in the use of fire-arms, for all duties of guard, as referred to in paragraph 17, when a Magistrate may have maturely considered the details of such a scheme, and may show that he has sufficient means for carrying it into effect.

Ordered, that printed copies of the above Resolution be circulated to the Commissioners of Divisions, and to the several Magistrates in these Provinces, for their information and guidance, and that copies be also communicated to the General Superintendent of the Department for the Suppression of Dacoity, and to the Inspector General of Prisons.

No. 3887.—*Judicial Department,—Dated the 22nd September* 1855.

THE Lieutenant-Governor having observed the great variety of form, and frequently objectionable arrangement, of the buildings used as Police Thanahs, is pleased to direct that, hereafter, whenever a new Thanah is erected, the accompanying plan shall be adhered to, except where the building may form a part of a combined Thanah and Tuhseeldaree range and enclosure, when it must be adapted to the scheme prescribed for the Tuhseelee establishments.

2.—In the plan herewith circulated, the position of the several parts of a Thanah, and the mode in which they are to be occupied, is indicated in a general manner.

3.—It is not necessary that the exact dimensions, or sub-divisions, of the dwelling houses of the several Officers, should be closely adhered to. It is, however, indispensable that the front of the Thanah should be separated from the road by open railings only.

4.—The Hawalat should, also, always be next to the Public Office of the Thanahdar, and should be strongly built of good masonry, and the two apertures opening into the verandah, should be furnished with iron gratings, formed of rods not more than five inches apart, and one of these should be so constructed as to form a door according to the enclosed sketches.

5.—The Kutcherry and Record-rooms should be of pukka brick work, set either in lime or loam cement. The arches should be laid with lime mortar, and the whole plastered with lime where exposed to the weather.

6.—The remainder of the buildings may be of such materials as the Magistrate deems advisable, with reference to the proper accommodation of the different grades of the Police force residing in them, and to the safety of the adjoining portions, to be reserved for strictly public use. A roof of tiles, with a less durable verandah, may, at discretion, be substituted for the brick arches and flat roof represented in the sketch.

(See Fly-leaf for Sketch.)

Resolution.—The 12th October 1855.

THE Hon'ble the Lieutenant-Governor is pleased to empower Assistants to Magistrates in the North Western Provinces, to receive under Section I. Act X. of 1854, complaints, and to proceed thereupon, in matters within their competency.

No. 4252.—*To Commissioners of Divisions.—Judicial Department,—Dated Agra, the 17th October* 1855.

I AM directed to forward, for your information and guidance, copy of the correspondence noted in the margin,* on the subject of furnishing Magistrates with transcripts of the Sessions Judges' Abstracts of Trials.

* From Commissioner of Agra, No. 94, of the 17th September, with enclosures.
To ditto ditto, of this date.

No. 94.—*From the Commissioner of the 2nd, or Agra Division, to the Secretary to Government, North Western Provinces.—Dated Agra, the 17th September* 1855.

Referring to the 5th paragraph of your letter No. 1937 A., dated the 4th September, I have the honor to submit further correspondence with the Etawah Magistrate, on the subject of furnishing Magistrates with copy of the Sessions Judges' Abstracts of Trials in the mode suggested in paragraph 4 of your letter.

Office copies of these Abstracts, both of sentences and acquittals, being now furnished to Commissioners, they might be forwarded, after perusal, to the Magistrates, with strict injunction to return them to the Judge within three days from date of receipt.

No. 646.—*From the Commissioner of the 2nd, or Agra Division, to the Magistrate of Etawah.—Dated Agra, the 8th September* 1855.

Your reference on the subject of copies of Sessions Judges' decisions being furnished to Magistrates, having been submitted to Government, I have the honor to annex copy of the reply, with extract of my letter which accompanied your reference.

Supposing the plan suggested in the 4th paragraph of the Government letter to be adopted, the office copies, both of sentence and acquittal abstracts, now sent by the Judge to the Commissioner, might be forwarded to the Magistrate with strict injunction never to retain them beyond three days, which will afford ample time for copying very particular remarks of which copy is desired, and then to return them direct to the Judge.

You are perhaps not aware that these English abstracts are the only records containing detailed reasons, either for acquittal or conviction; the requirements of Act XXXIII. of 1854 being considered to be sufficiently carried out by a brief order at the conclusion of the trial incorporated in the proceedings.

You are invited to state whether you think the proposed course sufficient for every necessary purpose.

No. 50.—*From the Magistrate of Etawah, to the Commissioner of the 2nd, or Agra Division.—Dated Etawah, the 13th September* 1855.

I have the honor to acknowledge the receipt of your letter No. 646, dated the 8th instant, giving cover to the orders of Government, No. 1937 A., dated the 4th idem, on my reference regarding decisions by Sessions Judges, in cases committed to their Courts.

2nd.—I rejoice to find that His Honor the Lieutenant-Governor has been pleased to express his concurrence in the principle which I have advocated, that the Magistrate should be made aware, not only of the result of their commitments, but of the reasons of any failure in their prosecutions.

3rd.—It appears to me desirable, for the reasons detailed at length in my previous letters, that the Magistrate should receive copies of the abstracts in English, made by the Sessions Judge, in cases of conviction, as well as in cases of acquittal. It is often of importance, especially where doubtful points of law or difficult questions of fact are concerned, that the Magistrate should know not only why the Sessions Judge disagreed with him, but why he took the same view of the case.

4th.—I would suggest that in all cases committed to the Sessions Court, the Judge should forward, with as little delay as possible, a copy of his English abstract to the Magistrate, who should be required to forward it, within three days, direct to the Commissioner of the Division. This will, as you observe, afford to the Magistrate ample time for perusal, and making a copy or an extract, if required. I do not see the advantage of the Magistrate returning the papers to the Judge. Time and postage will be saved by his passing the document on to the Commissioner direct.

5th.—The only point therefore on which I have ventured to differ with you, is that I think the rule should include all cases, and not be limited to acquittals. A Sessions Judge may acquit parties committed to his Court, and at the same time admit that the commitment was quite justifiable. A disputed point of law, or a question of fact, admitting of a difference of opinion, may turn the scale against the

prosecution, without any reflection on the judgment of the Magistrate; on the other hand, a prosecution may be successful, though the record may disclose serious irregularities on the part of the Magistrate or his subordinates.

6th.—A case has occurred in this district which strongly shews the impolicy of the present rule. I committed to the Sessions Court certain parties charged with forgery, and the personation of other parties to attest a forged bond bearing their alleged signatures. The Sessions Judge, who very kindly, at my request, favored me with the perusal of his remarks, acquitted the prisoners on the ground that the crime charged was done in good faith, to save the property of an absent co-sharer from sale for arrears. He added that the commitment was quite justifiable. I have since learnt that the Court of Sudder Nizamut Adawlut have pointed out to the Judge, that the legal grounds on which he acquitted the prisoners, are untenable, and that they should have been convicted.

7th.—All this information I have obtained as a matter of private courtesy, and I could not have officially demanded it. Yet there is, probably, no question more important, as regards the rights and interests of sharers in co-parcenary tenures absent on service. It is essential that the Collector and Magistrate should know whether the signatures of such absentees may at any time be forged, and their presence personated by their co-sharers, to raise funds by mortgage to save tenures from sale. Yet, but for private courtesy, I should have been left ignorant of the ruling of the Judge and of the superior Court, and have ceased to trouble myself with similar cases of fraud and forgery.

No. 4253.—*From Assistant Secretary to Government, North Western Provinces, to Commissioner of the 2nd, or Agra Division.—Judicial Department,—Dated Agra, the 17th October* 1855.

I am directed to acknowledge the receipt of your letter No. 94, dated the 17th ultimo, forwarding further correspondence with the Magistrate of Etawah, on the subject of furnishing Magistrates with copies of the Sessions Judges' Abstracts of Trials, in the mode suggested in paragraph 4 of Mr. Secretary Muir's letter, dated the 4th September last, No. 1937 A., and to inform you, in reply, that His Honor approves of the course recommended in paragraph 2 of your letter, and desires that it may be carried out by you.

2nd.—A similar intimation will be made to the Commissioners of all the Divisions.

3rd.—A copy of the correspondence which has passed with you on the subject, will also be communicated for the information of the Nizamut Adawlut.

No. 2387 A.—*To Commissioners of Divisions.—Judicial Department,—Dated Head-Quarters, Nynee Tal, the 26th October* 1855.

I AM desired to forward, for general circulation to the Magistrates under you, the accompanying copy of a Circular, No. 67, dated 24th October 1853, with its enclosure, issued by the Judicial Commissioner of the Punjab, suggesting cautions well worthy of attention in regard to the record of Confessions made to the Police, and repeated before Magistrates.

No. 67.—*From Judicial Commissioner for the Punjab, to all Commissioners, (exclusive of the Trans-Sutlej States.)—Judicial—Criminal,—Dated Lahore, the 24th October* 1853.

I have the honor to forward copy of a Circular No. 1414, dated 31st August last, on the subject of confessions addressed by Mr. McLeod, the Commissioner of the Jullundhur Division, to the District Officers under him.

2.—I request you will transmit a copy of it to the District Officers in your Division, and impress on them the great importance of thoroughly scrutinizing confessions unsupported by strong corroborative proof or by circumstantial evidence.

3.—All Officers of experience cannot fail to be aware how it sometimes happens that confessions are repeated before European Officers when the parties making them are innocent of the crime they themselves acknowledge.

No. 1414.—*From Commissioner and Superintendent, to Deputy Commissioners, Trans-Sutlej States.—Dated Hoshyarpoor, the* 31*st August* 1853.

As cases have recently been tried by me in Sessions, which lead me to think that there is, on the part of our Police, too great an anxiety to procure from prisoners a simple confession without much reference to its intrinsic worth, or evidence of its trustworthiness, and some confessions have accordingly come before me which even though repeated before the European District Officer have appeared to me to be of very doubtful value, I deem it right to offer a few remarks on the subject, to which I request your attention.

2.—In cases of theft, or plunder of any kind, where the confession is followed by the production of the property plundered, or in case of murder where the body is pointed out, the truth of the confession may *primâ facie* be presumed as regards at all events its main features, and the same may be said when strong corroborative proof of any kind, is adduced, and the statement is in itself circumstantial and clear.

3.—But where this is not the case, you should always, in my opinion, regard with distrust, a confession sent in to you by the Police, and regard it as requiring further scrutiny, before being received or acted on. Where a man has taken part in a case of murder, plunder, or theft, it can very rarely occur, that he is wholly unaware what may have become of the body in the one instance, or of the property in the other, or if this be really the case, he will be able at least to show, distinctly, why it is so, while after having confessed to the offence, he can have little inducement to conceal the facts accessary thereto, in so far as his knowledge may extend.

4.—When therefore, a confession reaches you from the Police, which is not so supported, you should not permit it to be repeated before you as a mere matter of form, or allow it to be supposed that you feel satisfaction, as appears to me to be sometimes the case, at the mere fact of the confession being thus corroborated; on the contrary, the prisoner should be subjected to a searching examination, he should be questioned fully as to all particulars, and if he fail to point out or produce the property, he should be required to show the cause of this.

5.—By this means if the confession made by him be false, and have been procured by threats, promises, or other improper means, he will doubtless break down under such an examination, and retract his confession. No Officer can desire any other result, and there are few who would not run the risk of thus affording an opportunity for the withdrawal of a true confession, rather than incur that of stereotyping a false one, by allowing it to be carelessly, or hastily taken.

6.—Strange as it may appear that any one should be induced to repeat before a European Officer, who freely allows him to state what he thinks fit, a false confession elicited from him by the Police, experience shows that this is by no means impossible, and I shall accordingly rely on your using your best endeavours, and enjoining the same on your subordinates, effectually to prevent the occurrence of so untoward and discreditable a circumstance.

7.—The Police should at the same time, be made distinctly to understand that a false confession is much more likely to bring them to disgrace and punishment, than

credit or reward, and that such unsupported confessions will be invariably regarded with suspicion and subjected to scrutiny.

No. 3610 A.—*From the Secretary to Government, North Western Provinces, to Superintendent of Cantonment Police.—Camp Kurnal,—Judicial Department, Criminal,—Dated the 26th November* 1855.

I AM directed by the Lieutenant-Governor to request that you will take the opportunity of your tour of inspection on the Grand Trunk Road to examine the uniform of the Police stationed thereon, and that you will report whether it is in accordance with the directions laid down by the Government in the Notification of 28th December 1854, No. 2676 A.

2.—The Magistrate and Collector of Meerut has been requested to furnish you with samples of the various uniforms as they have been inspected and approved at that station.

(*Note.*—Copy furnished to Commissioners for communication to the District Officers on the Grand Trunk Road.)

No. 3770 A.—*Judicial Department,—Head-Quarters,—Camp Dehlie, Dated the 15th December* 1855.

READ the following replies to Circular No. 1593 A., of 26th July 1855, regarding the use of Stocks:—

From Officiating Commissioner of the Dehlie Division, dated 21st August 1855, No. 141, with enclosures.

From Commissioner of the Meerut Division, dated 21st September 1855, No. 122, with ditto.

From Commissioner of the Agra Division, dated 30th October 1855, No. 116, with ditto.

From Commissioner of the Rohilcund Division, dated 2nd July 1855, No. 101, with ditto.

From Commissioner of the Allahabad Division, dated 18th August 1855, No. 141, with ditto.

From Commissioner of the Benares Division, dated 20th August 1855, No. 92, with ditto.

From Commissioner of the Saugor Division, dated 18th September 1855, No. 330, with ditto.

RESOLUTION.

The Lieutenant-Governor, having carefully considered the various opinions which have been recorded by local Officers upon the use of Stocks at Thanahs, observes that, while a large majority of the Magistrates express themselves in favor of the substitution of a secure Hawalat, or Lock-up room, several Officers of experience consider that the abolition of Stocks entirely would be productive of inconvenience.

2.—Those Officers who desire the continuance of this mode of restraint, raise two grounds of objection to the Lock-up rooms.

1*st*.—That the persons confined in them would be subjected to greater inconvenience from heat, during the hot season, than in Stocks.

2nd.—That the association of all accused persons in one room might tend, in serious cases, to defeat the ends of justice, by enabling them to arrange a concerted line of defence.

3.—The Lieutenant-Governor considers that the secure and well ventilated Hawalat provided by the plan of a Thanah, which has been prescribed as the model of all such buildings that may be hereafter erected, will leave no force in the first of the above objections.

4.—On the second point, His Honor observes that confinement in Stocks has not been intended to facilitate the separation of accused persons. It has been allowed only to ensure the safe custody of a certain kind of criminals, during the period of their detention at the Thanah. To convert the employment of Stocks into a means of Police enquiry would be at variance with the purpose for which they were permitted; and the argument on this head is, indeed, a reason for taking away a power which may be so much diverted from its true use and object. Prisoners whom a Thanahdar may think it important to keep from association with others, should at once be forwarded to the Magistrate.

5.—It is therefore resolved that, in Thanahs which are provided with a Hawalat upon the prescribed plan, the use of Stocks shall be interdicted for the future, and that, in Thanahs in which no other means of securing prisoners at night exist at present, the use of Stocks be permitted only pending the construction of a proper Hawalat in connection with new Thanah buildings when these may be found requisite.

6.—All Magistrates are, at the same time, required to use the utmost vigilance to prevent the restraint in Stocks of others than the class of persons who are indicated in Clause VIII. Section 19 of Regulation XX. of 1817, and to instruct the Thanahdars to furnish a special report of all prisoners subjected to this restraint by them under the authority of the above Law. Monthly Vernacular summaries of these reports will be submitted by Magistrates for the inspection of the Commissioner of their Division.

7.—The detention of women at the Thanah during the night can only be necessary under some unusual circumstances. A special report of the causes of any such detention, and of the arrangements made for the purpose, is, in every case of the kind, to be made by Thanahdars to the Magistrate of the District.

No. 70.—*To Commissioners of Divisions.—Judicial Department.*
Dated Agra, the 6th January 1855.

I AM desired to forward, for your information and guidance, copies of the correspondence noted in the margin*, respecting Police arrangements on the Grand Trunk Road.

* Extract, paragraphs 5 to 9, from a letter from Commissioner of Allahabad, to Secretary to Government, dated 15th August, No. 198.
Extract, paragraphs 8 and 9, of a letter from Magistrate of Cawnpoor, to Commissioner of Allahabad, dated 7th August, No. 72.
From Superintendent Cantonment Police, dated 8th September, No. 56, to Magistrates of Benares, Meerut, and Allygurh, and Joint Magistrate of Etah, dated 26th October, No. 2183 A.
From Magistrate of Meerut, dated 13th November, No. 265; from Magistrate of Benares, dated 4th November, No. 234; from Joint Magistrate of Etah, dated 4th November, No. 546.
To Commissioner of Allahabad of this date.

No. 198.—*Extract, paragraphs* 5 *to* 9, *from a letter from Commissioner of Allahabad, to Secretary to Government, North Western Provinces.—Dated the* 15*th August* 1854.

Paragraph 5*th.*—Mr. Court is strongly opposed to the proposed enclosure for carts; the principle is a mud wall, with a ditch outside,—an excellent harbour for thieves,

and a certain receptacle for stagnant water. He states that the body of Police remonstrate against the measure, and he adduces the instance of Maharajpoor in paragraph 8, in support of his objections, as the ditch and wall, instead of affording protection, led to an increase of crime. He adds that the drivers and owners of hackeries will not resort to them even when built. I believe it was in the Futtehpoor district, that I discovered a number of laden hackeries behind the Thannah, and enquired into the cause; the answer was, that the owners found it a safer position.

6th.—Mr. Edmonstone, the Magistrate of Futtehpoor, is equally opposed to the measure, and asked me last year, whether it could not be rescinded. He observed that the plan might be advantageous in the cattle-stealing districts in the Western Provinces, but that in the Futtehpoor district, it was a mistaken principle. This is my own opinion; but if His Honor should deem it expedient to adhere to the measure, I trust that he will have no objections to dispense with the ditch, which is a nuisance in a two-fold degree.

7th.—Every Magistrate is fully alive to the security of his own district, and any measure, which is proposed as calculated to prevent crime, is cheerfully followed up. In dissenting from a suggestion of the kind now referred to, there can be no possible feeling of bias; and as the Magistrate is the officer immediately responsible to the Government, I am of opinion that the order should not be decisive, but that it should be left to the Magistrate to act upon it, as a *suggestive* measure;—the Police returns will show results; and defects, when discovered, can be remedied. The responsibility would rest with the Magistrate, and he should not, I think, be obliged to adopt any scheme which militates against his own practical knowledge and judgment, and against what he conceives to be his own interests, as the officer immediately responsible.

8th.—As regards the 9th paragraph of the Magistrate's letter, it appears to me to be quite clear that it was never intended that the hackery *puraos* should be located in the encamping grounds; they should be immediately in the rear, or adjoining the *burdasht khanahs.*

9th.—I solicit the favor of His Honor's orders on Mr. Court's propositions.

No. 72.—*Extract, paragraphs* 8 *and* 9, *of a letter from the Magistrate of Cawnpoor, to Commissioner of the Allahabad Division.—Dated 7th August.*

8th.—The construction of enclosures for carts cannot, at any rate, be carried out till the rainy season is over, and I hope His Honor the Lieutenant-Governor may be induced to rescind this order. Colonel Steel's plan is to raise a mud-wall enclosure, with a ditch round the exterior part of the wall. There is not a Police officer in this district but remonstrates against this, as giving shelter, and means of concealment and escape, to thieves. An enclosure of the kind was commenced upon last year at Maharajpoor, and though the walls were only a few feet high, and the ditch proportionately shallow, thieves derived considerable assistance from it: they are enabled from the ditch to watch the movements of the Police and of their intended victims; to await a favorable time; and, if pursued, the ditch enables them, with greater facility, to escape apprehension. The effects of this were seen at Maharajpoor, where more thefts occurred than in any other *purao.* The drivers and owners of hackeries will not willingly resort to them even when built. The chances of their being robbed are so very small, (I do not think one in a thousand suffer,) that they prefer the open *maidan* and freedom, to confinement in a *purao.*

9th.—If it is still resolved, that enclosures shall be built, I hope authority may be given to take up other land for them, separate from the encamping ground, but close to the *burdasht khanah.* The latter is invariably at one extremity of the former, and

in most instances the enclosure can be built, so that the *burdasht khanah serai*, or Police Chowkee, will intervene between it, and the encamping ground.

No. 56 OF 1854.—*From Superintendent Police and Supplies, Grand Trunk Road, to the Secretary to Government, North Western Provinces.—Dated the* 18*th September* 1854.

I have the honor to acknowledge the receipt of your letter, No. 1601 A., dated 30th ultimo, with its enclosure, regarding the arrangements for the protection of laden hackeries on the Grand Trunk Road, in the Cawnpoor zillah, and in reply to acquaint you, for the information of the Honorable the Lieutenant-Governor, North Western Provinces, that when I first proceeded in 1847 to report on the protection of life and property along the Grand Trunk Road, I found that all laden hackeries, that did not take refuge in *serais*, were compelled to put up at *puraos*, in the immediate vicinity of the Police Chowkees. The Churrundars kept watch, and a Burkundaz of the Chowkee, two or three times in the course of the night, gave a scream, to which the Churrundars were obliged to respond; if they did not, they suffered. The refuse of the *purao* belonged to the Thanah, and the hackerymen were obliged to pay one and two pice each, before they were allowed to yoke their bullocks in the morning; but this last has now ceased, but will soon be renewed if not looked after.

2*nd*.—In the course of my travels that year, I learnt that an offer of Rs. 25 a year had been made to the Collector of Allygurh, for the refuse of a *purao* at that station, and this has gone on gradually increasing and extending to other zillahs. At Bowgong, in the Mynpoory zillah, Rs. 200 a year is paid by a contractor for the refuse of the *purao* for laden hackeries at that place, and at other places, in proportion to the general traffic of the country.

3*rd*.—In the Cawnpoor zillah, the *puraos* still continue at the Thanah or Chowkee, and the Police deny receiving any advantage from them; but the same demand exists for fuel from cow-dung in that zillah, as at any other district in these Provinces.

4*th*.—The Police, where their pecuniary interests or perquisites are concerned, are a very influential and difficult body to deal with.

5*th*.—Contractors are afraid to bid; hackery-men dare not take their carts to other places than where they wish, more especially when the Police are not to relinquish a perquisite they have long been in the habit of receiving.

6*th*.—What I have always advocated is, that the Police ought not to tax the commerce of the country; and when the refuse of a *purao* will pay for its own protection, the whole arrangement should be taken out of the hands of the Thanahdaree establishment, and placed under the control of the Tehseeldar.

7*th*.—Zemindars off the Trunk Road have built *puraos* for laden hackeries, and derive a profit from them; and, independent of the advantage of having a uniform system throughout the Government of the North Western Provinces, by continuing the *puraos* throughout, I hope to see every honest man allowed to travel as he likes, without any interference of the Police.

8*th*.—The late Magistrate of Dehlie, A. A. Roberts, Esq. allowed two influential natives to build a *purao* at Ghazeeoodeennuggur, and another at Alleepoor; the former is, I learn, very profitable to the builder, and the other will become so, when the Road to Umballa is open.

9*th*.—The *puraos* should be built either with a wall, or a ditch, according to the nature of the soil, and of sufficient capacity to protect the usual traffic of the country.

10*th*.—I take the liberty of enclosing extracts of my different reports on the subject of *puraos*.

11*th*.—The Police, I may add, have always evinced a great dislike to any innovation or improvement.

No. 2183 A. OF 1854.—*From the Secretary to Government, North Western Provinces, to the Magistrates of Meerut, Allygurh, and Benares, and Joint Magistrate of Etah.—Judicial Department,—Dated Head-Quarters, the 26th October* 1854.

I am desired to forward the extract paragraphs noted in the margin*, from a correspondence held with the local authorities of the Cawnpoor district, and the Superintendent of Road Police, respecting Police arrangements on the Grand Trunk Road, and to request that you will favor His Honor with your opinion as to the practical advantage of having *puraos*, or enclosures, for the protection of carts and goods in transit along the Grand Trunk Road, with reference to the objections offered by Mr. Court against the system.

* Extract, paragraphs 5 to 9, from a letter from Commissioner of Allahabad, to Secretary to Government, dated 15th August 1854, No. 198.
Extract, paragraphs 8 and 9, of a letter from Magistrate of Cawnpoor, to Commissioner of Allahabad, dated 7th August 1854, No. 72.
From Superintendent Cantonment Police, dated 8th September, No. 56.

No. 265 OF 1854.—*From Magistrate of Meerut, to Secretary to Government, North Western Provinces,—Dated Meerut, the 13th November* 1854.

I have the honor to acknowledge the receipt of your letter, No. 2183 A., of the 26th ultimo, with its annexures.

2nd.—In this district *puraos* have long been established at all the usual halting places for carts. They are enclosed by a wall from four to six feet high, with a ditch on the outside, formed from the earth taken to build the wall. I had hitherto supposed, that the ditch was not so much necessary, as unavoidable, as the earth for the construction of the wall would otherwise have to be conveyed from some distance; but I learn on more particular enquiry, that in the Dehlie Division, the ditch is expressly dug very wide and deep, in order that thieves may be prevented from getting stolen cattle over the ditch, after effecting a burglary in the wall; and I find that one case of burglary, with theft of cattle, actually occurred a few years ago in the *purao* of Burote, in this district, the ditch not having been of sufficient size to prevent the cattle being taken over it. It is very true that such ditches may afford concealment for thieves; but in this district, cattle theft is the prevailing crime, and the main object in the construction of *puraos* in Meerut, must be to prevent cattle being stolen from them. A deep broad ditch gives an undoubted advantage in this respect, and is, in my opinion, even more necessary, than the wall. It is true that I can quote but one case of burglary in a *purao*, which might have been prevented by a good ditch; but a season may at any time occur of plentiful rain and scarcity of plough cattle. The Jats, Goojurs, and Rajpoots of Meerut, are as unscrupulous in regard to cattle as they are industrious, and no *purao* could be called secure, in such times, that was not safely constructed with a good ditch and wall.

3rd.—On the Grand Trunk Road these *puraos* are not much frequented. The reason does not lie in any distrust of the Police by the *gareewans*. It has been caused chiefly, I believe, by an order of my predecessor, issued in March 1849, directing the levy of a cess at all the *puraos*, according to the following detail, for the payment of the chowkeedars:—

Each Cart, with Bullocks, -- -- -- -- -- -- --	One pice.
Single Bullocks, -- -- -- -- -- -- -- -- --	Half ditto.
Ditto Camel, -- -- -- -- -- -- -- -- --	Half ditto.
Ditto Tattoo, -- -- -- -- -- -- -- -- --	Half ditto.
Ditto Donkey, -- -- -- -- -- -- -- -- --	One-eighth ditto.

This measure has caused the *puraos* of Meerut to be frequently avoided by hackerymen, who put up on the open plain, or in the neighbourhood of a Police Chowkee, or make two stages without halting, rather than pay the demand. Still *puraos* at Hauper, on the Dehlie and Gurhmookhtesur road, and also on the Meerut and Baghputh, and on the Baghputh and Shamlee roads, are frequented by hackeries. The refuse is taken in some cases by the chowkeedars, but usually by the zemindars; all manure being in great demand. The Trunk Road, running north and south from Boolundshehur to Moozuffernuggur, is not much frequented by carts, the Dehlie and Kurnaul road having diverted the line of traffic.

4th.—The charge of active misconduct in the matter of extortion is, I think, often wantonly brought against the Police. They have enough to answer for passive neglect of duty. I have enquired much, and frequently, into their corruptions. That they are far from honest there can be no doubt, and when a prize falls in their way, which they can seize without much fear of discovery, they will now and then, I suspect, make terms, or extort money. But they do not plunder, in the strong acceptation of the term. I cannot find, after very careful enquiry, that they are guilty of appropriating the sweepings of the *puraos*, and I am fully convinced that the Thanahdars, and other superior Police officers, do not, in this district, lay claim to any perquisite of the kind. The cess introduced by Mr. Gubbins should at once be abolished; *puraos* should be established at suitable spots, with a good deep ditch, and a wall of four feet high, opposite a Police post, whether Thanah or Chowkee, and the care and sale of the sweepings should be entrusted either to the Thanahdar or Tehseeldar. Either officer could be made thoroughly answerable for the income to be expected from it. This seems to me to fall more immediately within the sphere of the Thanahdar's duties, though the Tehseeldar might maintain a supervision.

5th.—The sale of the grass of the Military encamping grounds yields a good return. This, and the income from the *puraos*, on the abolition of the cess already mentioned, would, I am convinced, be sufficient to remunerate the *purao* chowkeedars, giving one or two, as the case might be, on three rupees a month, to each *purao*. The building of the *puraos* will, I presume, be charged to the Ferry Fund. The future repairs could be defrayed from the sale of grass.

No. 234 OF 1854.—*From the Magistrate of Benares, to the Secretary to Government, North Western Provinces.—Dated Benares, the 4th November* 1854.

I have the honor to acknowledge your letter, No. 2183 A., of the 26th ultimo, with annexures from the Commissioner of the Allahabad Division, and the Magistrates of Cawnpoor and Futtehpore, relative to the construction of *puraos* for the protection of carts and merchandize, travelling on the Grand Trunk Road.

2nd.—In reply I have the honor to inform you, that my opinion coincides with that expressed by the authorities of the Allahabad Division; and that although I have found *puraos* very useful in the Dehlie territory, I do not consider them suited to this part of the country.

No. 546 OF 1854.—*From Joint Magistrate of Etah, to Secretary to Government, North Western Provinces.—Dated Etah, the 4th November* 1854.

I have the honor to reply to your letter, No. 2183 A., dated 26th ultimo, with its enclosures, requesting my opinion as to the practical advantages of having *puraos*, or enclosures, for the protection of carts and goods in transit along the Grand Trunk Road.

2nd.—I take it for granted that no one will dispute the advantage of having certain appointed halting grounds for hackeries and goods in transit, instead of allowing

travellers to encamp here and there, wherever they may please, along the road, rendering any efforts of the Police for their protection, utterly without avail.

3rd.—The question then arises as to how, with the means at hand, the protection of these *puraos* can be most efficiently secured. An open *maidan* is all very well for a regular and well-appointed encampment, and where a sufficient establishment is retained to guard, during the four watches of the night, all four quarters of the encampment. But native *gareewans*, tired after a long day's march, and without any limit to space, are apt to scatter themselves about in such a way as to render it difficult for any guard, however efficient, to protect them, and utterly impossible for the two, or at the most three sleepy chowkeedars, generally in charge of the *purao*. Protection in such a case must necessarily be very much the effect of chance. A thief under cover of darkness can run in at a dozen unguarded points, and abstract property in no time. In such a case I think it stands to reason that a walled enclosure, with a closed gate, must be of material assistance. It not only compels the people to pack close together, and thus confine property to be guarded within a limited space, but the walls, if built to a proper height, must render an important aid to the chowkeedar in preventing the approach of thieves. It is true, a thief can creep up under cover of the wall to within a dangerous proximity to the property located within, but if a chowkeedar be ordinarily vigilant, the thief will find it very difficult to carry off property, either by scaling the wall, or digging through it, either being a process of time. The wall can hardly be called a shelter to the thief.

4th.—I never before heard an objection made to resort to a *purao*, because it was enclosed by a wall. So far from such being the case, in the absence of a walled enclosure, a native with a load of valuable property, I find, invariably seeks protection in a *serai*, or some place of the kind; and will on no account, if he can help himself, stay in an open *maidan*.

5th.—A ditch round, outside the wall, is decidedly an objection, and it is also unnecessary. The wall is all-sufficient for protection either of cattle, or any other property, and I agree with Mr. Court, that the ditch gives shelter, and means of concealment and escape, to thieves. A ditch can only be of use, where the soil is so bad that a wall cannot be raised, and even then it must necessarily be kept so wide and deep, that the ever-recurring expense would better, and with more effect, cover the salary of an increased establishment of chowkeedars.

6th.—To make the enclosed *puraos* popular, so as to secure travellers availing themselves of their protection, without necessitating a recourse to compulsion, I have found the following measures expedient:—

1stly.—Sites should be selected at convenient halting distances, say, of every five or six miles. I find that the regular encamping grounds, every ten or twelve miles, are often too near each other for one complete day's journey, whilst to reach a third encamping ground, the distance would be too great. With such facility do hackeries now travel on the Trunk Road, that they often get over fifteen or twenty miles in a day. An intervening *purao* between each encamping ground, would therefore give about the required distances.

2ndly.—The *purao* should be attached to the *burdasht khanah*, or a few bunniahs' shops should be located on the outside of the *purao*, whence travellers can readily supply all their wants, and also a good well be close at hand. The addition of a *serai*, if possible, is also desirable.

3rdly.—Let the *purao* be well drained, and kept free from filth.

4thly.—The *purao* should be easy of access, close to the road, with a metalled roadway leading to it, and, if necessary, a small drain bridge.

7th.—The style of *puraos* adopted in this district, is simply a piece of ground enclosed by a high wall, with a gate, and without any ditch. The wall is made of sun-dried

bricks, brought from another locality. I have, in eighteen miles of Grand Trunk Road in the Etah district, three *puraos* of the kind. At Etah and Mullown pieces of ground adjoining the *burdasht khanahs* and Police Chowkees have been walled off within the regular encamping grounds. From May to October, the *burdasht khanahs* entirely depend for support on the *puraos* and *serais*, which latter are also close by. The third *purao* is at Aspoor, about half-way between Etah and Mullown, opposite to a *serai*, where several bunniahs have located themselves, and the wants of travellers are well supplied. All three *puraos* are connected with the Grand Trunk Road by a metalled roadway over a drain bridge, and each is supplied with a pucka well. Six miles to the west of Etah is a halting ground at Pillooa, in the Allygurh district, and about six miles to the east of Mullown is another, with a *serai* at Lukhora, in the Mynpoorie district. *Puraos* are thus at every six miles apart, and they are all equally well filled. The chowkeedars at Mullown and Aspoor are supported by the proceeds of the refuse of *purao*, and at Etah, by the Rajah who built the *purao*. Nothing in the way of fees is ever taken from travellers who put up in these *puraos*.

8*th*.—I never find the slightest objection made by the travellers to resorting to them, but, on the contrary, the *puraos* are generally full of hackeries, and laden beasts of burden, who willingly enter them. Indeed, unless compelled by accident, they never halt elsewhere. The objection in the Cawnpoor and Futtehpoor districts to putting up in enclosed *puraos*, must therefore be attributed to some other reason than that of their being enclosed by walls.

9*th*.—The result of enclosing *puraos* has been undeniably good. The number of thefts from *puraos* may be different in the Cawnpoor district, but before the system of enclosed *puraos* was adopted at Etah, *purao* thefts used to be most frequent and extensive. During the last three years the number of *purao* thefts on the Grand Trunk Road in 1852 was five, in 1853 one, and in 1854 two. The decrease may, in a great measure, be attributable to the prescribed arrangements in force for the protection of the Grand Trunk Road, but I am confident that the erection of walled enclosures has considerably added to the security of property located in them for the night.

10*th*.—It perhaps will not be thought out of place if, by way of supporting my arrangement in favor of enclosed *puraos*, I give a more detailed account of their general introduction throughout the district, which I have already summarily noticed in my Police Report of last year, and of which His Honor has already expressed his approval.

11*th*.—I first saw the system introduced at Shajehanpoor, where enclosed *puraos* were erected throughout the district by Mr. Barnes with considerable success.

12*th*.—On taking charge of the Etah district, the frequency of thefts from *puraos* particularly attracted my notice, and induced me to adopt a similar system here.

13*th*.—Throughout the interior of the district the zemindars have been induced to build walled enclosures, at distances of five and six coss apart, on a systematic plan, on all roads at all frequented, and at all places of large mart. The distances vary in the vicinity of the Ganges and the Kalee Nuddee, owing to the number of different Ghauts, and the heavy sands of the turace lands. The chowkeedars are paid by the zemindars from the refuse, and the proceeds of a small gratuitous tax paid by the travellers who avail themselves of the *puraos*. Wherever practicable, a bunniah's shop and a well has been attached to each *purao*.

14*th*.—These *puraos* prove an advantage to the zemindars. As they are responsible for robberies and thefts committed in their respective estates, if the perpetration of the theft is ascribable to their want of care and vigilance, it is to their own interest to secure the safety of property of travellers by building *puraos*, as by any other means in their power. They moreover often derive a pecuniary advantage in the shape of any surplus proceeds after paying the chowkeedars.

15*th.*—The tax itself varies from one to two and three-quarter pice, according to the number of beasts of burden or the kind of animals, and is nothing more than is customary, I believe, throughout the country, to be paid by all travellers, for the protection of their goods, to the chowkeedars of the place, wherever they may happen to halt for the night. I have merely endeavored to assimilate the tax throughout the district, and by adopting a system of appointed halting places, to amalgamate the payment of the tax at certain places, which was formerly scattered here and there, wherever a traveller chose to halt; thereby giving to the zemindars a return for the cost of building, and keeping in repair, the walled enclosure, and supporting a chowkeedar, and giving increased protection to the traveller, whilst the tax itself is nothing more than has always been customary. The travellers have still the option of resorting to the *purao* or not, but my experience proves that, where the *purao* is well kept, and conveniently situated, with a bunniah's shop at hand to supply their wants, travellers naturally go to the *purao*, and willingly pay the small customary fee for the protection afforded. This tax is not however levied on the Grand Trunk Road.

16*th.*—Besides *puraos* erected by zemindars, the following are held under direct management:—

1*st.*—SORON.—This has always been a Government *purao*. The chowkeedar used to collect and appropriate the fees, and there were no funds for keeping the *purao* in a state of repair. On introducing a system of *puraos* throughout the district, I directed the fees and refuse to be collected, and, after paying the chowkeedars, the surplus to be credited to a *purao* fund, for repairs, &c. This *purao* now lets on a theeka of Rs. 100 a year.

2*nd.*—ALLEEGUNGE.—The zemindar refused to build, and so I erected this *purao* out of the proceeds of the Soron *purao*. It is now let on a theeka of Rs. 37-2-0 exclusive of payment of chowkeedars. The surplus is credited to a *purao* fund.

3*rd.*—DHOOMREE.—This has always been a Government *purao*. The chowkeedars collect and appropriate the fees. No surplus.

4*th.*—PUROWLEE.—This was built from the Ferry Fund deposits. The proceeds of the *purao* simply pay the chowkeedar.

17*th.*—The result of the system has been most satisfactory. *Purao* thefts formerly most numerous and extensive, have almost entirely ceased. The few which have occurred, have been committed on travellers who halted at other than the appointed places. The thefts from walled enclosures have been not above three or four. This result might be attributed to concealment by the Police, with a view of pleasing the Magistrate, who had introduced the system of appointed halting grounds and walled enclosures, but I can conscientiously say that I have every reason to believe that such is not the case, and that the returns show the *bonâ fide* number of *purao* thefts that have actually taken place.

18*th.*—I enclose a sketch map showing the localities of the different *puraos*.

No. 71 OF 1854.—*From the Secretary to Government, North Western Provinces, to the Commissioner of the Allahabad Division.—Judicial Department,—Dated Agra, the 6th January* 1855.

I am directed to acknowledge the receipt of your letter, dated 15th August last, No. 198, with enclosures, respecting Police arrangements on the Grand Trunk Road in the Cawnpoor district.

2*nd.*—In reply I am desired to observe, that all questions regarding the number and arrangement of murhelas along the Grand Trunk Road, have been directed to be determined on personal communication between the Magistrate and Superintendent Road Police, by the Circular Orders, No. 4274, dated 14th October last.

3rd.—On the materials to be used in the construction of murhelas, the Magistrate should be now directed by you to take the same opportunity of conferring with Lieutenant-Colonel Steel, so that the relative economy of pucka buildings, as compared with the more common structures hitherto used for the purpose, may be fully examined and reported on; for the Chowkeedaree stations, however, within the Cawnpoor Cantonment, the Lieutenant-Governor has not seen sufficient reason to sanction the suggestions which were made by the Cantonment Joint Magistrate for the erection of pucka buildings.

4th.—On the subject of the utility of *puraos*, I am directed to send copies of correspondence noted in the margin*, and to state that, on a full consideration of the opinions thus before him, the Lieutenant-Governor does not doubt that the construction of *puraos* should be adhered to in the Cawnpoor and Futtehpoor districts, as well as elsewhere, and he directs, therefore, that orders be issued to the Magistrates of those districts to give immediate effect to the plan.

* To Superintendent Cantonment Police, dated 30th August, No. 1601 A.
From ditto, dated 8th September, No. 56.
To Magistrates of Meerut, Allygurh, Benares, and Joint Magistrate of Etah, dated 26th October, No. 2183 A.; from Magistrate of Benares, dated 4th November, No. 234; from Joint Magistrate, Etah, dated 4th November, No. 546; from Magistrate of Meerut, dated 13th November, No. 265.

5th.—As before intimated to you, the resort to the *puraos* should be left absolutely free, and exempt from any demand of fee, to all travellers with their carts and goods. The chowkeedars in charge should be paid from the sale of the refuse, and a general superintendence over the *puraos* should be exercised by the nearest Tehseeldar or Thanahdar, so that the full value of such refuse may be obtained, and applied with a view to the most safe and convenient use of the enclosures.

6th.—The surrounding wall should be of two and a half feet in thickness, and ten feet high. The failure of the *purao* at Maharajpoor, referred to by the Magistrate of Cawnpoor, is probably to be ascribed to the circumstance, that the walls were only a few feet high.

7th.—A ditch of proper depth and width need only be dug where, from the nature of the soil, a wall cannot readily be raised; but it may be added at the discretion of the Magistrate where, (as in the Meerut district,) it may be specially necessary to guard against cattle theft.

8th.—The suggestion of the Joint Magistrate of Etah for making, in all cases, a metalled causeway from the Trunk Road to the *purao*, is of importance, and the expense can be readily defrayed, either from the surplus profit of the *purao* proceeds, or, if necessary, from the Ferry Funds, as a part of the general charge on account of the shelter and accommodation of travellers.

9th.—The plan, which has been introduced in Etah, of having intermixed *puraos* at the distance of every five or six miles, so as to allow of more rapid travelling than that of the ordinary marches, is a matter which the Lieutenant-Governor would leave to the discretion of the Local Magistrates, on the understanding only that all such *puraos* should be able to pay for the necessary keep of the chowkeedar.

No. 225.—*To* Commissioners of Divisions.—*Judicial Department, Criminal.*

Dated Agra, the 20th January 1855.

I am desired to forward for your information, and for communication to the District Officers, the accompanying copy of a letter from the Under-Secretary to the Government of India, Home Department, dated 14th ultimo, No. 1305, conveying the sanction

of the Most Noble the Governor General of India in Council, to the re-distribution of the Sowar Establishment in the North Western Provinces, on the scale laid down in the Resolution of 14th October last.

No. 5231.—*Extract from the Proceedings of the Most Noble the Governor General of India in Council, in the Financial Department, under date the 7th December* 1854.

Read an Extract from the Home Department, No. 1086, dated the 25th October last, forwarding for orders a letter from the Government of the North Western Provinces, No. 4159, of the 14th idem, with its enclosure, and a Tabular Statement soliciting sanction to a re-distribution of the existing Establishments of Sowars in those Provinces, attended with a temporary increase of charge.

RESOLUTION.

Under the explanations submitted, the Most Noble the Governor General in Council is pleased to approve of the re-distribution of the existing Establishments of Sowars in the North Western Provinces, attended with a saving of Rs. 160 per mensem, which is to be applied to the strengthening of the Police in the districts of Seharunpore and Bareilly, and to sanction a temporary charge of Rs. 75 per mensem, in the shape of personal allowances, to 7 Jemadars of the Districts noted in the margin,* who at present draw larger salaries than the amount fixed for that grade in the scale now sanctioned. The amount of these personal allowances will cease on the removal of the present incumbents.

	Per month.
* Present scale, ...	Rs. 15,184
Scale now sanctioned, ...	„ 15,024
Decrease per month, ...	Rs. 160

Present Jemadars.	*Personal allowances.*
Mozuffurnuggur, ...	Rs. 5
Meerut, ...	„ 5
Boolundshehur, ...	„ 5
Allygurh, ...	„ 20
Bareilly, ...	„ 20
Shajehanpore, ...	„ 10
Goruckpore, ...	„ 10
	Rs. 75

ORDER.

Ordered, that a copy of the foregoing Resolution be sent to the Home Department for communication to the Government of the North Western Provinces, and that the papers noted in the margin* be returned.

* Copy of a letter from the Government of the North Western Provinces, No. 4159, dated 14th October 1854.
Original Tabular Statement.

No. 1305.—*Home Department,—Fort William, the* 14*th December* 1854.

Copy of the foregoing forwarded to the North Western Provinces Government with reference to Mr. Secretary W. Muir's letter, No. 4159, dated the 14th October last.

No. 385 A.—*To* Commissioners of Divisions.—*Camp Ryepoor, the* 3*rd February* 1855.

In continuation of my letter, dated 3rd August, No. 1367 A., I am desired to forward, for your information, the accompanying copy of a correspondence with the Officiating Commissioner, Rohilcund, regarding the re-issue of half-yearly sheets of proclamations for the apprehension of accused parties who have evaded the search of the Police.

No. 7.—*From the Officiating Commissioner, Rohilcund, to the Secretary to Government, North Western Provinces, Agra.—Judicial Department,—the* 18*th January* 1855.

With reference to the orders of Government, communicated in your letter No. 1367 A., of 3rd August, I have the honor to submit the accompanying letter from the Magistrate of Bareilly, with draft of my reply, and to solicit the orders of His Honor the Lieutenant-Governor if any general instructions have been already issued on the subject, or if the views I have taken of the object of the above quoted Circular Orders, is not correct.

2*nd*.—The practice has been introduced upon the example set by the Inspector General of Prisons, and I conceive that the re-issue of proclamations which he directed to have effected, was only of those cases in which printed proclamations had already gone forth, and that no second proclamation was made of those convicts who had long since broken Jail or escaped from the roads.

No. 116.—*From the Magistrate of Bareilly, to Commissioner of Rohilcund. Bareilly, the* 18*th December* 1854.

With reference to the orders for submitting a half-yearly register of proclaimed offenders who have not been apprehended, I request the favor of your instructing me from what year I should enter in the revised register the cases of old standing.

2*nd*.—There are in the register of this district, cases in which the parties were proclaimed in 1816. In all human probability there is no likelihood of such persons being apprehended; they are probably dead, and if they are not, most probably all the parties in the case are, and the conviction of the defendants, if they were now caught, would be impossible.

3*rd*.—As probably some general instructions have been, or will be, issued on this point, I trust you will let me know what they are, that I may prepare the register accordingly.

No. 8.—*From the Commissioner of Rohilcund Division, to Magistrate of Bareilly. Dated the* 18*th January* 1855.

In reply to your letter No. 116, of 18th December last, I beg to point out to you that what was required to be submitted half-yearly by the Circular of this office, No. 35, of 30th September, and by paragraph 4 of Government Order, No. 1367 A., dated the 3rd August, was a half-yearly sheet for re-issue of proclamation which had already been issued in the shape of a printed form sanctioned in the 3rd paragraph of the same Government Order.

2*nd*.—Interpreting literally the terms of the Government Order, I think those cases, then, alone would need to be entered into the half-yearly sheet, in which proclamations had been issued according to the instructions given in paragraph 3 of the Order

3*rd*.—Certainly all old cases should not be entered, but it may be of utility to enter as many of past cases as you think are susceptible of discovery through the issue of printed proclamations in the provinces. These cases, however, you should enter with deliberation, not merely by fixing a date after which all cases are to be entered; but after regard to the nature and circumstances of the particular cases, and to the amount of proof likely to be obtained.

No. 384 A.—*From the Secretary to Government, North Western Provinces, to the Officiating Commissioner, Rohilcund Division.—Camp Ryepoor, the* 3*rd February* 1855.

I am directed to acknowlege the receipt of your letter dated 18th ultimo, No. 7, with enclosures, and, in reply, to state that the Lieutenant-Governor approves of your

proposed reply to the Magistrate of Bareilly, regarding the re-issue of half-yearly sheets of proclamations for the apprehension of accused parties who have evaded the search of the Police.

No. 627 A.—*To* Commissioners of Divisions.—*Judicial Department, Criminal.*

Dated Agra, the 16*th March* 1855.

The Hon'ble the Lieutenant-Governor having had before him your letter No.—— of the —————— with its enclosures, directs me to communicate the following instructions regarding the entertainment of extra establishments for punkahs and tatties in the offices under your control.

Commissioner of Dehlie,	dated 26th June	1854,	No. 97,	with Enclos.
Ditto of Meerut,	„ 23rd Augt.	1854,	„ 118,	ditto.
Ditto of Rohilcund,	„ 3rd Nov.	1854,	„ 157,	
Ditto of Allahabad,	„ 18th July	1854,	„ 182,	
Ditto of Benares,	„ 1st May	1854,	„ 66,	with Enclos.

2nd.—The charge is of a nature which is not susceptible of being reduced to a fixed and uniform standard, as the requirements of each office are dependent upon the form of construction and extent of the building; upon the numerical strength of the office establishment, and number of officers holding separate Courts, or employed in separate rooms.

3rd.—It will be therefore necessary that the scale of charges proposed by the Local Officers be investigated separately by yourself, and passed, under your counter-signature, for the actual amount which you consider it indispensably necessary to incur.

4th.—Under ordinary circumstances, His Honor considers that one Bheesty and two Coolies may be assigned to each of the following rooms, the services of the Bheesty being dispensed with after the commencement of the rains:—

1. Magistrate and Collector.
2. Joint Magistrate and Deputy Collector.
3. Deputy Magistrate and Deputy Collector, (Uncovenanted.)
4. Assistants.
5. English Offices.
6. Persian Offices.
7. Record-rooms.
8. Treasury.

This scale, however, must be regarded as the maximum; as it will be capable of reduction when the arrangement of the rooms is convenient for economising labor in serving the punkahs and tatties, and where the supply of water is obtainable in the immediate vicinity.

5th.—The Civil Auditor will be authorized to pass monthly contingent bills, on a scale not exceeding that above stated, upon your counter-signature; and he will be also directed to furnish a general comparative statement at the close of the rainy season, of the expense which has been incurred for this purpose in the different offices of the provinces.

No. 638.—*To* Commissioners of Divisions.—*Judicial Department.*

Dated Agra, the 20*th March* 1855.

I am desired to forward, for your information, the accompanying copy of an Office Memorandum, dated 8th instant, No. 387 A., to the Superintendent Secundra Orphan Press, describing the different forms in which official documents are, in future, to be printed for administrative purposes, as well as for publication.

2nd.—Papers marked "Office Collection" are intended exclusively for the office to which they are communicated, and are to be regarded as confidential.

3rd.—"Official Papers not Published" may be shown to other public Officers as you may think likely to be useful, but strict care is to be taken that they are not allowed to become otherwise public.

4th.—An Office Collection, containing all the replies to the Police Reports for 1853, is herewith forwarded to be regarded by you as a confidential document for your personal information as above indicated.

5th.—A similar collection will hereafter be sent to you containing the Government Orders upon the Revenue Administration Reports for 1853-54.

OFFICE MEMORANDUM,

No. 387 A.—*General Department,—Head-Quarters,—Agra, the 8th March* 1855.

It is important that documents printed for publication should be distinguished from such as are printed for official use, and of the latter, those that are required for reference in the Secretariat only, from such as are intended for communication to other Officers.

The following directions will be observed for this purpose:—

1st.—Documents for publication will be printed as at present on foolscap or octavo size, as the case may be, with the words "By Authority" on the cover.

2nd.—Documents intended for communication to other offices will be headed and docketted "Official Papers not Published;" they will be ordinarily on foolscap half margin.

3rd.—Papers for exclusive use in the Secretariat, or by the Officers to whom they may be specially communicated, will be headed and docketted "Office Collection," and printed as No. 2.

Of the latter description are the collection of papers in a new Law for search for Salt, and the Government Orders on the Police Reports of 1853.

In sending papers to Press it will always be stated to which class they belong.

Resolution.—Judicial Department,—Head-Quarters,—Agra, the 22nd March 1855.

The Lieutenant-Governor having had under consideration the returns to the Circular Orders of 18th July last, No. 1248, regarding the form in which the Annual Police Administration Report should be drawn up, is pleased to record the following Resolution:—

It has hitherto been the practice to include in the Police Report the notice of a variety of subjects which are not specially connected with the Police Administration. For the future this will be discontinued. The letters and statements will relate exclusively to that Administration, and be drawn up in the most concise form which is consistent with a full view of the operations of the Department during the year under review.

2nd.—The statements submitted with the Report will be confined to four, of which the forms are attached:—

1.—A comparative statement* of crimes for three years, with the results as to the conviction or acquittal of those concerned in them, as indicated in the form.

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* This Statement will be separate for each district; General Divisional Statements will be discontinued.

Notices of the comparative frequency of particular crimes in the different districts, may be offered, as necessary, in the Remarks upon this Statement, No. 1, according to the instructions given in the following paragraph (3).

2.—A return of the distribution of business, and amount of work performed by each Officer, with a sketch of the Sub-Divisions under the different Officers, according to the Circular Orders No. 745 A., of the 25th May 1854, and No. 1245 A., of the 17th July 1854.

3.—A list of Circular Orders issued by the Magistrates, during the year, to the Police.

4.—The return of Chowkeedaree Assessment under Regulation XXII. of 1816.

3rd.—The remarks of the Commissioners upon the 1st Statement will comprise a general review,—comparing, as may seem necessary, district with district,—of the most marked results of the Administration during the year, with a notice of the particulars of any crimes of special magnitude which may have occurred in the course of it. In commenting on the increase or decrease of each class of heinous offences committed, and on the ratio of perpetrators apprehended and prosecuted to conviction, as shown by the statement, attention will be drawn to all prominent proofs of efficiency and success, or to the causes assigned for any material failure in the measures of the Police. The Lieutenant-Governor would also wish that special attention should always be paid, under this head of the Report, to the subject of Proclaimed offenders apprehended during the year, and to the progress made in tracing and convicting the receivers of stolen property. The results of trials held by the Sessions or the Sudder Court after the close of the year under report, in any serious cases, will likewise be alluded to, and mention made of any convictions obtained during the year for crimes committed previously, which may be worthy of remark.

4th.—The distribution of business among the different officers, in conformity with the Circular Orders of 25th May, No. 745 A., and the proofs of efficiency given by those Officers in the care of their Sub-Divisions, will come under consideration, in connection with Statement No. 2.

5th.—The defects of any local Police arrangements; the peculiar merits or de-merits of any of the Police Officers, as marked by their proceedings during the year; the transfers of superior Police Officers, who have been long employed in one part of the District, to another; the number of instances of the dismissal of superior Police Officers for misconduct, or of their suspension pending enquiry, with the final orders where cases of suspension have been frequent, or for grave cause; and the results of the Annual Inspection of the Thanah Buildings and Records,* and of both the Burkundaze and the Village Chowkeedaree Force, will next form a subject for distinct notice, and for such explanations or suggestions as the facts may call for.

6th.—Lastly, the circumstances connected with the prevalence, and the means employed for the repression, of any special class of Heinous crimes, such as Poisoning or Infanticide, should be noted, together with local Statistics as to the castes to which the criminals during the year have mainly belonged,—the mode of livelihood and superintendence by which time-expired convicts have been saved from relapsing into criminal habits,—or other points of useful information, on which memoranda may have been systematically kept up in any district. Information of the last-noted character was, it may be observed, compiled, with excellent effect, under the late Mr. J. R. Barnes in Shahjehanpore.

7th.—The Circular Orders to the Police, issued by the different Magistrates during the year, will be matter for a brief explanatory reference or comment, in connection with Statement No. 3.

8th.—The application of the Chowkeedaree Assessment, whether for purposes of Police, or in aid of measures for the conservancy and improvement of Towns, and the character of the Police in Towns within which the rate is levied, will be noticed in reference to Statement No. 4.

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* See Circular Order regarding the annual destruction of Thanah Records, No. 1262 A., 19th July 1854.

9th.—In conformity with paragraph 13 of the Notification No. 244 A., dated the 23rd January 1855, the care and regularity with which the prescribed character books have been prepared in each district, may next be referred to. The notice of this subject will include the state of the character books, generally, for all departments of the service.

10th.—The detailed narratives of Heinous crimes, prepared in the offices of the Magistrates, may continue to be submitted. They often raise points of practical interest. But it will only be necessary to give particulars in respect to the more aggravated descriptions of crime. Where the detail given of a case which ended in acquittal in the Sessions trial may seem to call for any remark, the Commissioners will have the means of checking the statement given in the narrative from their previous perusal of the Monthly Statements of the Sessions Judges, furnished to them under the Circular Order of the Nizamut Adawlut, No. 115, of the 28th November 1853.

11th.—The Police Reports may at once bring forward, should it be at a stage admitting of the issue of orders, any question of a merely local nature, on which the directions of the Government can be immediately given. But proposals of a general character, affecting the rest of the country as well as the district under report, should be merely noted in the Annual letter, the subjects being reserved for full discussion in separate communications.

12th.—The Police Reports need, for the future, contain no notice of the Road or Ferry Funds, of the Nuzzool or Local Agency Funds, or of the state of the Jails. For the two classes of Funds referred to, distinct Annual Reports have either been, or will shortly be, prescribed; and the periodical review of the condition of the Jails is fully provided for by the Annual Reports of the Inspector General of Prisons, and of the Medical Board.

13th.—The Magistrates should prepare their future Yearly Reports to the Commissioners according to the same order and plan. Fresh reports need not, however, be required from them for the past year, 1854. The Commissioners will prepare their reports for the past year, as far as may be conveniently practicable, in conformity with this Resolution.

No. 1.

No. 1.

Triennial Statement of Crimes and Offences, and Statement of Convictions, for the year 185 , in Zillah

1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.
*Crimes and Offences ascertained to have occurred during 185 *, as compared with the two previous years.*				*Result of prosecutions during 185 *.*						
				Prosecuted to conviction for crimes committed in 185 *.			Persons convicted in 185 * for crimes committed previously, in Court of			
					Persons in Court of					
DESCRIPTION OF CRIMES.	155	185	185	Cases.	Sessions or Nizamut Adawlut.	Magistrate	Sessions or Nizamut Adawlut.	Magistrate	Total conviction in 185 *.	REMARKS.
Murder, ... By Thugs,										* This will be the last year of the comparison; *i. e.*, the year under report. Enter in this column of Remarks the number of cases, under each class of *heinous* crime, in which the Police have not succeeded in tracing and apprehending any of the perpetrators in the year under report.
On the River,										
Other Cases,										
Wounding, with intent to murder,										
Homicide, Culpable,										
Dacoitee, ... With Murder,										
With Torture,										
With Wounding,										
Unattended with aggravating circumstances,										
River Dacoitee, ... With Murder,										
With Wounding,										
Unattended with aggravating circumstances,										
Highway Robbery, With Murder,										
With Wounding,										
Unattended with aggravating circumstances,										
Burglary, ... With Murder,										
With Wounding,										
Unattended with aggravating circumstances,										
Theft, ... With Murder,										
With Murder of Children for their ornaments,										
With Wounding,										
By administering poisonous drugs,										
Other Cases,										
Cattle-stealing, ... With Murder,										
With Wounding,										
Unattended with aggravating circumstances,										
Child-stealing, ... For the purpose of selling into slavery,										
For other illegal purposes,										
Receiving stolen or plundered property knowingly,										
Importation of slaves, and sale or purchase of imported slaves,										
Affray, ... With Homicide,										*N. B.*—This will be a printed Form, on larger paper, so as to leave the necessary space for clear entries. The printing of this specimen is close, for convenience of circulation with the Resolution.
Violent breach of the peace,										
Assaults, with wounding,										
Arson,										
Forgery, or uttering forged documents,										
Counterfeiting coin, or uttering base coin,										
Perjury, or subornation of perjury,										
Rape,										
Adultery,										
Suttee, aiding and abetting,										
Crimes and offences not specified above,										
Attempts to commit any of the above,										
Computed number of persons concerned,										
Number of persons apprehended, convicted, or committed for trial,										
Number of offences perpetrated in which no persons were apprehended,										
Computed value of property stolen, ... Rs.										
Computed value of property recovered,										

Magistrate.

No. 2.

Abstract Statement of Criminal business for the year 185 , *in Zillah*

Names and Official Designations.	1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.
	Heinous Offences.		Petty Offences.		Appeals.		Proceedings from the other Courts.		Applications and Petitions of every other description.		Cases prepared by the subordinate Officers.	
	Disposed of.	Pending.	Disposed of.	Pending.	Disposed of.	Pending.	Disposed of.	Pending.	Disposed of.	Pending.	For the Magistrate.	For the Joint Magistrate.
Mr. *Magistrate.*												
Mr. *Joint Magistrate.*												
Mr. *Assistant with special powers.*												
Mr. *Assistant with ordinary powers.*												
Deputy Magistrates, ...												
Total, ...												

Note.—On reverse of this Statement note the distribution of Thanahs among the several Officers, which was in force during the greater part of the year, under Circular Order No. 745 A., of 25th May 1854, and append the rough sketch according to the Circular Order No. 1245 A., of 17th July 1854.

Magistrate.

No. 3.

Circular Orders issued to the Police during the year 185 , *in Zillah*

No.	Month and Date.	Substance.	Remarks.
1			
2			

Magistrate.

No. 4

Chowkeedaree Collections and Disbursements, under Regulation XXII. of 1816, *in the Town of* , *for the year* 185 .

Total Annual Collections.	Total Annual Expenses for Collection and Management.	Annual Surplus.	Balance in deposit at the close of last year.	TOTAL.	Annual Expenditure from surplus on payment of Chowkeedars.	Annual Expenditure from surplus on local conservancy and improvement.	Balance in the Treasury at the end of the year.	REMARKS.

NOTE.—In this Statement include all Towns in the district within which Regulation XXII. 1816 has been introduced.

Magistrate.

No. 1871 A.—*To Commissioners of Divisions.—Judicial Department. Dated Nynee Tal, the 30th April* 1855.

PREVIOUS instructions have been issued for regulating the course and order in which the Annual Reports on the results of the Police Administration, and on the employment of the Road and Ferry Funds of the several Divisions, should be rendered to the Government. Special reports in respect to Jails, and District Schools, will be received from the Inspector General of Prisons, and the Director of Public Instruction, to whose departments these subjects relate. But it will be desirable to receive from the Magistrates, through your office, a distinct yearly report on other subjects of a general nature, not falling within the scope of the Police, or the Road and Ferry Funds reports. Among such subjects may be mentioned the employment of City Local Funds,* or of Nuzzool Funds, reports regarding which need not in future be sent through the channel of the Sudder Board of Revenue; the extension of Dispensaries, the execution of public improvements, such as tanks, or the construction of gardens, plantations, or the like, for the public use and benefit. On this class of subjects it is requested that a report, forwarding the letters of the Magistrates with your own remarks, may be rendered from your office within the first fifteen days of May in each year, so as to keep the Government fully informed of all beneficial measures which are in progress under the several local officers throughout the country.

* See Circular letter No. 1286 A., dated 22nd July 1854.

2nd.—The above period has been fixed for the rendering of this report, as likely to be that of the greatest leisure in your office for the purpose, after you have made your annual cold weather inspection of your Division, and after the transmission of the reports on the examination of Assistants, Moonsiffs, &c., which are held in the early part of April.

3rd.—The yearly reports to be submitted by you to the Government, in your capacity of Commissioner of Police, will thus be the three following:—

First.—Police Report.

Second.—Road and Ferry Fund Report.

Third.—Miscellaneous Report on the employment of Local Funds and on local improvements. And you will be careful to confine each of these reports strictly to their proper subject.

4th.—The first report, under the present instructions, will be rendered by you in the course of next month, May, on account of the year 1854, the notice of the progress of any of the improvements referred to in it being carried on to the first of the current month, April. The like course will be followed in your future yearly reports.

No. 2217.—*To Commissioners of Divisions and Magistrates of Districts.—Judicial Department,—Dated Head-Quarters, the 23rd May* 1855.

I AM desired to forward, for your information and guidance, the accompanying copy of a letter from the Officiating Register, Nizamut Adawlut, dated 8th instant, No. 535, conveying the Court's opinion on the powers of Thanahdars as to taking the deposition of witnesses for the defence, in cases investigated by them.

No. 535.—*From the Officiating Register to the Court of Nizamut Adawlut, North Western Provinces, Agra, to Secretary to Government, North Western Provinces.—Dated Agra, the 8th May* 1855.

I am directed to acknowledge the receipt of your letter No. 1816, dated 25th ultimo, forwarding, for the expression of opinion on the part of the Court, copies of

correspondence relative to Thanahdars taking the deposition of witnesses *for the defence*, in cases investigated by them at the Thanah.

2nd.—In reply I am desired to observe, that doubtless the scope and tenor of Regulation XX. of 1817 appear to contemplate the restriction ordinarily, of a Police Darogah's function, in the preliminary enquiry made by him thereunder, to a summary ascertainment of facts, so as to constitute a *primâ facie* case against parties accused, and not the extension of his duty to a judicial investigation into the merits of the case, in respect to the guilt or innocence of the prisoners. The Circular Order of the Court, dated 2nd July 1849, prescribing an abbreviated form of proceeding for Police Officers, appears to contemplate nothing further than a Police inquest, or presentation of the case for the prosecution; while the Court further remark, that it was only by the enactment of Regulation VIII. of 1830, that *Magistrates* themselves were empowered in all cases to use their discretion in taking evidence on behalf of the person accused, in the prosecution of the full enquiry permitted to them into every circumstance likely to lead to the ascertainment of the truth, leaving it to be inferred *à fortiori*, that the law, in the absence of any specific provision to that effect, did not intend, as a general rule, the exercise of such a power by the subordinate grade of Native Darogahs.

3rd.—On the other hand, there are expressions in Regulation XX. of 1817 which might be regarded as, at least, interposing no prohibitory bar to such a course. Section 13, Clause 1, speaks of "such enquiry as may be necessary to elucidate the circumstances of the case," and Clause 5, of "their endeavour, as far as practicable, to complete the enquiry in the first instance, and to collect all attainable evidence;" while, therefore, the Court are decidedly of opinion that it is not the duty of a Thanahdar to send for witnesses for the defence, or to postpone a case for their attendance, yet where, in particular cases, such exculpatory evidence might be of itself forthcoming, or near at hand, and it should appear proper to record it, with a view to a fuller elucidation of the facts, and more complete development of the enquiry; and where such procedure should not involve the illegal detention at the Thanah of accused persons, beyond the limited period of 48 hours prescribed by law, the Court can see nothing in the Regulations prohibitory of the adoption of such a course.

No. 5075.—*To Commissioners of Divisions.—Judicial Department, Criminal.*

Dated the 17th December 1855.

I AM directed to forward, for your guidance and that of the subordinate authorities, the accompanying copy of a letter from the Officiating Secretary to Government of India, in the Military Department, relieving Revenue Officers from all responsibility as to supplies for troops encamped in Cantonments where Sudder bazars exist.

No. 559.—*From the Officiating Secretary to the Government of India, to the Secretary to Government, North Western Provinces, Military Department.—Council Chamber, Fort William, the 17th November* 1855.

I am desired to acquaint you that, on the recommendation of the Superintendent of Cantonment Police, the Hon'ble the President of the Council of India in Council has resolved, that henceforth Revenue Officers shall be relieved from all responsibility as to supplies for troops encamped in Military Cantonments where Sudder bazars exist; and that this duty shall be required of the officers in charge of the Sudder bazars; and His Honor in Council requests that the necessary instructions may be issued.

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NORTH WESTERN PROVINCES.

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NORTH WESTERN PROVINCES,

For 1855.

REVENUE DEPARTMENT.

No. 346 A.—*Notification.—Revenue Department,—Head-Quarters,—Camp Umarpattun, the* 31*st January* 1855.

1.—With reference to the appointment of Captain H. E. Read, 50th Native Infantry, to be Superintendent of Forests in the Deyrah Doon, and in the Rohilcund Division, issued in orders of the 25th instant, No. 287 A., it is hereby notified, for general information, that Captain Read will carry on his duties in the Superintendence and Conservancy of the Forests, in subordination to the Superintendent of Canals for the North Western Provinces. Temporary leases, for the collection of Forest products, other than Timber, will be made by the Officers of the adjoining districts, subject to the usual control in the Revenue Department, according to limits to be arranged by those Officers with the Superintendent, and locally notified for the information of parties concerned.

2.—From the 16th February 1855, the Forests in the Deyrah Doon, and in the Gurhwal Bhabur tracts, (with such parts of the adjoining District of Bijnore, as may be locally determined,) not forming parts of mehals settled with proprietors, or held under special grant from the Government, are constituted a Government department, under charge of the Superintendent.

3.—From the above date all indiscriminate felling of Timber, within the Forests above-mentioned, is strictly prohibited, and parties violating this prohibition will be liable to punishment according to law. Up to a date to be hereafter notified, the removal of Timber, in execution of contracts heretofore made, for the current season 1854-55, will be permitted under the conditions hitherto in force, upon report to, and under sanction of, the Superintendent.

4.—All such Timber as is proper for felling will, in future, be marked by the Superintendent and his establishment.

5.—The Timber thus marked will be disposed of by Public Auction in such quantities, and at such times, places, and upset prices, as the Superintendent may determine, due notice of the same being given for the information of intending purchasers, and no duty or rate will be levied upon, or after, the removal of Timber so purchased.

6.—Purchasers of the Timber at auction will be required to pay one-half of the purchase money at the time of sale, and the remaining half, before the removal of the Timber from the Forests.

7.—No Timber can be removed upon such purchases, except under cover of a Rowannah, specifying the number and kind of each lot, which will be granted on application by the Superintendent, or such other person as he may appoint for the purpose.

8.—Purchasers will receive due notice from the Superintendent's office, before each auction, of all such Forest Regulations as affect them, and they will be required to conform strictly thereto; and, upon any breach of the Regulations so notified, it shall be competent to the Superintendent to declare the sale null and void, and the half purchase-money, paid at time of such sale, shall be liable to forfeiture, in part or whole, at the discretion of the Superintendent.

No. 729 A.—*Notification.—Revenue Department,—Head Quarters,—Nynee Tal, the* 10*th April* 1855.

In continuation of the Notification dated 31st January last, No. 346 A., intimation is hereby given, that the levy of duties on the transit of Forest, or other produce, by the Ghâts, or Rivers from the Dehra Doon Valley, will cease from July 1st next, except as to Timber from the Government Forests, the bringing away of which, according to the rules hitherto in force, will be permitted up to January 1st 1856, in cases in which it may be shown to the satisfaction of the Superintendent of Forests, that such Timber is removed in fulfilment of *bonâ fide* contracts entered into before the date of the former Notification. Applications on any special grounds for license to extend the time for such removal beyond January 1st 1856, will be submitted by the Superintendent for the orders of Government.

No. 956 A.—*Notification.—Separate Revenue Department,—Head-Quarters, the* 9*th May* 1855.

I.—The Lieutenant-Governor, North Western Provinces, is pleased to establish a Customs' line, for the levy of a duty on Salt in the territories under the superintendence of the Commissioner of the Saugor Division, to run from the junction of the rivers Jumna and Scinde, through the districts of Jaloun, Jhansee, Chandeyree, Saugor and Nursingpoor, to a point on the river Nerbudda, at or near the south-eastern frontier of the state of Bhopaul, and thence along the left bank of the Nerbudda to the western boundary of the territories above-mentioned.

II.—The following duties will be levied on Salt imported into Customs' jurisdiction on the said line.

On that portion of the line lying more than ten miles north of the town of Saugor, two rupees per maund.

On that portion of the line lying between the portion above-mentioned and the Nerbudda, one rupee and eight annas per maund.

On that portion of the line lying south of the Nerbudda, one rupee per maund.

And all Salt brought within Customs' jurisdiction, must be covered by a Rowannah previously obtained at one of the Customs' Houses established for the issue of the same.

III.—Customs' House jurisdiction shall extend for a breadth of fifteen miles, or over all territory in British possession within that space, throughout the line, excepting the town of Jhansee, and such other towns or places as may be hereafter notified to have been excepted.

A list of open Chokies for passing Salt, and a specification of the limits of Customs' jurisdiction, will be exhibited in the offices of all the Officers in charge of the districts through which the line will run, and likewise at each Custom's House, at each open Chokee, and at the Tuhseeldarees and Thanahs adjacent thereto.

IV.—The system, rules, penalties, now obtaining, and which shall from time to time obtain, on the North-western frontier Customs' line are, *mutatis mutandis*, made applicable to the new line, and the Officers of Customs are invested with the same powers as the corresponding Officers on the existing line.

The manufacture of Alimentary Salt in the territories under the Government of the North Western Provinces, east and south of the Customs' line established by this Notification, is prohibited, and all persons importing, or manufacturing Salt, in contravention of this Notification, or otherwise infringing the rules hereby made applicable, will be liable to the same penalties as persons guilty of the like acts or omissions in the Regulation provinces.

V.—Customs' Houses are established at Jhansee, Saugor, and Hoshungabad, and the Deputy Superintendents and Deputy Commissioners of districts in which Customs' jurisdiction is established, and their establishments, are invested with the powers of Customs' House Officers to enable them to check the illicit importation of Salt.

VI.—Notice is hereby given, that so much of the present North-western frontier line as extends from the junction of the rivers Jumna and Scinde along the line of the Jumna, and thence southwards to the frontier of the Mirzapoor district, will be abolished after the expiration of six months from the date of publication of this order.

CIRCULAR No. 1084 A.—*To Commissioners of Dehlie, Meerut, Rohilcund, Agra, Allahabad, Benares, Ajmere, Kumaon, Saugor, Jawud Neemuch, and Agent Governor General Central India.—Revenue Department,—Dated Nynee Tal, the 21st May* 1855.

THE Hon'ble the Lieutenant-Governor having taken into consideration your letter No.——, dated————, with its enclosures, directs me to communicate the following instructions regarding the measures to be adopted for securing the constant presence of either the Tehseeldar or the Peshkar at, or in, the immediate vicinity of the Tehseeldaree premises.

2.—The attainment of this object requires,—

1*st*.—That both Tehseeldars and Peshkars should have their private residences, at, or, where from the nature of the locality this is impossible, immediately near, the Tehseelee, so that one of these Officers may always be found there.

2*nd*.—That their residences should be provided by the Government, since, where houses or suitable sites now happen to belong to the Tehseeldar or Peshkar, there is no security that though these may be close to the Tehseelees, they will be available for the use of the successors of the present occupant.

3*rd*.—That, though the Government is bound only to provide an official residence on a moderate scale for the Tehseeldar and Peshkar according to their respective grades, facilities may be given for a reasonable extension, in cases in which it may be indispensable to allow it, in order to provide further accommodation that may be required for their families; a fair monthly rent being charged on account of all such additions.

3.—The annexed memorandum is believed to contain the names of those Tehseelees in your Division, in which additional buildings are requisite to give effect to the intention now communicated to you; but as some of the returns submitted are not sufficiently explicit, it is possible that some correction may be necessary. It is not, however, required that the introduction of the measure should be delayed, pending the receipt of further information as to the exact details in each case. You are, therefore, requested to take immediate steps for providing the necessary buildings, using your own discretion in carrying out the wishes of the Government in accordance with the principle now explained. A full report must, however, be submitted, of the nature and precise cost of the works when completed. Applications for enlarged accommodation, under the circumstances referred to in head 3, paragraph 2 of this letter, should be submitted in each instance, with a detail of the proposed extra cost, for the orders of the Government.

4.—Sketches of suitable houses for a Tehseeldar and Peshkar are enclosed, which you are requested to adopt, as far as the nature of the several sites will allow. Wherever practicable, these houses should be within the Tehseeldaree enclosure, or built out from its surrounding wall, so as that there shall be prompt and unobstructed access to it.

5.—The expense of the house for a Tehseeldar may be assumed to be from Rs. 300 to 400, and for a Peshkar from Rs. 150 to 200.

No. 2141 A.—*Notification.—Head-Quarters,—Separate Revenue Department, the 28th September* 1855.

I.—The Lieutenant-Governor is pleased to notify that on the Customs' line established by the Notification of 9th May last, and running from the Jumna, by way of Jhansee and Saugor, to the Nerbudda, and by its Southern bank through the Hoshungabad District, the following duties (corresponding to those levied on the North Western Frontier line under Act XIV. of 1843,) will be levied, from November 1st next, on the export of Saccharine produce, that is, on its transit from East and South to West and North.

Misree, Kund, Cheenee, and all clayed and refined Sugar,—8 annas per maund.

Goor, Rab, Sheerah, and all unclayed and unrefined Saccharine produce,—3 annas per maund.

II.—The import of Saccharine produce and its transit East and West in the British Territory under this Government, South of the Nerbudda, is unrestricted.

III.—All Saccharine produce brought from the East or South within half a mile of the line of Customs' Chowkees must be covered by a Rowannah, except such places within that limit as may be specially notified by the Collector of Customs to have been exempted from this rule.

IV.—The rules for the levy of the export duty on Sugar, and the penalties for infringement thereof, which now obtain, or shall from time to time obtain, on the North Western Frontier line, are made applicable to the new line.

No. 2109.—*Notification.—Head-Quarters,—Revenue Department, the 26th September* 1855.

Grants of land for Tea cultivation, in the Kumaon and Gurhwal Districts of the Kumaon Province, will be made on the following conditions, on application to the Senior Assistant Commissioner of the District.

2nd.—Each Grant will be of not less than 200, or more than 2,000, acres. More than one Grant may be taken by one person or Company, on the applicant's satisfying the Local Authorities, acting under the usual control in the Revenue Department, of their possessing sufficient means and capital to undertake an extended cultivation and manufacture of Tea.

3rd.—One-fourth of the land in the Grant, will be given free from assessment, in perpetuity, on fulfilment of the conditions below stated.

4th.—The term of first lease will be for twenty years. For the first four years the Grant will be rent-free; in the fifth year, one anna per acre, will be charged on ¾ths, or the assessable portion of the grant; two annas per acre in the 6th year; three annas in the 7th year, and so on, one more anna being added in each year, till, in the last year, the maximum rate is reached, of one rupee per acre. The full assessment, on a grant of of 2,000 acres, will thus not exceed 1,500 rupees per annum.

5th.—The following are the prescribed conditions of clearance :—

At the close of the 5th year from the date of grant, a twentieth part of the assessable area; at the close of the 10th year, one-fifth of the assessable area; at the close of the 15th year, half of the assessable area; and at the close of the last year, ¾ths of the assessable area is to be cleared, and well stocked with Tea plants.

6th.—In the 21st year, on the fulfilment of the above conditions, the proprietary right in the grant, and the right of engagement with Government, shall vest in the grantee, his heirs, executors or assigns, under the conditions generally applicable to the owners of estates in Kumaon; and the rate of assessment on the lands in the grant, in whatever manner cultivated, shall never exceed the average rate on grain-crop lands in the same locality.

7th.—On failure of payment of the prescribed assessment in any year, or of any of the above conditions, (the fact of which failure shall, after local enquiry conducted by the Senior Assistant Commissioner, be finally determined by the Sudder Board of Revenue,) the entire grant shall be liable to resumption, at the discretion of the Government, with exception to the portion of the assessable area, which may be *bonâ fide* under Tea cultivation, and to a further portion of land, which shall be allowed in perpetuity, free of assessment, to the extent of ¼th of such cultivated area. The portions, so exempted, will remain in the possession of the grantee, subject to the usual rates and rules of assessment in the District.

8th.—Grantees shall be bound to erect boundary pillars at convenient points round the circuit of a grant, within six months from its date, failing which, such pillars will be put up by the Government Officers, and the cost thereof shall be recoverable from the grantee, in the same manner as the regulated rate of assessment.

9th.—No claim to the right and interest in a grant, on any transfer by the original grantee, will be recognized as valid, unless on registry of the name of the transferee in the office of the Senior Assistant Commissioner.

10th.—So long as Government establishments for the experimental growth and manufacture of Tea shall be maintained in the province, supplies of seeds and plants will be given gratis to grantees, on application to the Superintendent Botanical Gardens, North Western Provinces, as far as may be in his power.

No. 3558 A.—*Revenue Department,—the* 21*st November* 1855.

THE following rules are prescribed for the guidance of Revenue and Canal Officers, in cases in which loss of area or property is complained of by owners or cultivators of land, as having been occasioned by inundation, or other cause, arising wholly, or in part, from the operations of the Canal Department.

Wherever, under such circumstances, the claim may not be adjusted by the Canal Department itself, and the subject is brought to notice by applications in the Revenue Department, the Collector, and Local Canal Officer, will jointly consider what the actual amount of loss has been, and how far directly attributable to the Canal works, and what extent of compensation is fairly claimable, on account of such loss, from the Canal Administration.

In the event of difference of opinion on these points between the two Officers, the subject will, in the first instance, be referred by the Canal Officer, with a full explana-

tory report, to the Superintendent of Canals, North Western Provinces, and if the Collector (acting under the usual control in the Revenue Department) should not be satisfied with the decision of the Superintendent, the question will, on the application of the Collector, be submitted by the Superintendent for the orders of Government.

The procedure above prescribed will not delay the measures of the Collector in regard to the distinct question of how far the amount of injury sustained by land or crops, howsoever caused, has been such as to call for a remission or reduction of the revenue. The latter point will be considered and reported by the Collector in the usual course, according to the rules of the Revenue Department.

NOTE.

Subsequent to the issue of the above Notification, the Board made a reference on the subject in consequence of an apprehension entertained by the Commissioner of Dehlie that it would be difficult to reduce to practise the rule which provides for the joint consideration of the Collectors and Canal Officers of the amount and cause of loss sustained. In making this reference the Board remarked that the point of prompt admission of claim and immediate local enquiry was one of importance. They saw no objection to the admission of such claims by the Collector, as proposed by Mr. Egerton the Collector of Dehlie, but they were of opinion that the Collector should immediately furnish an abstract in English of each to the Canal Officer if present or near at hand, and simultaneously instruct the local Officers to assist him in the requisite investigation. In the event of the Canal Officer being absent at a distance, such intimation, the Board thought, should at once be sent to him, and in the meantime the Local Officers be instructed to make the requisite enquiries at once in anticipation of his return.

In reply it was intimated to the Board that there could be no objection to the course proposed by them. The intention was to supply information promptly to the Canal Officer, and so give him facilities for carrying out the object of the Notification. But the Collector, it was added, in sending the information should leave the settlement of the claim, in the first instance, to the consideration of the Canal Officer.

ADDENDA.

Resolution.—Revenue Department,—Head-Quarters,—the 20th June 1855.

THE Lieutenant Governor is pleased to prescribe the following Rules, to be observed in the future construction of any Record Racks for Native Records in all offices under this Government.

Records are to be kept either upon open wooden racks, or upon slabs of stone supported by masonry piers.

The latter material is to be adopted in those stations whose proximity to the quarries, whence stone is procurable, render its use more economical than wood.

When wooden racks are employed, the form of construction is to be as follows:—

Uprights or standards of Saul, 4 inches square, are to be arranged in pairs, with a width of 1 foot 10 inches between the uprights, and, including their width of 4 inches each, 2 feet 6 inches of width in all. At every interval of 5 feet in length of the rack, will be placed successive pairs of uprights. Into these uprights, cross pieces, 3 inches in depth and 2 inches in width, are to be morticed. At a distance of 15 inches apart in height, and upon these cross pieces, slips of wood are to be fastened 2 inches apart, so as to form a series of shelves with open bottoms, whose clear height will be 15 inches, and their width or depth from front to back, as above shown, 2 feet 6 inches.

These racks are to be placed 2½ feet from the wall of the room, so as to afford a clear passage of convenient width at the back. The racks are to stand clear of any connecting posts, or stanchions, of whatever material, either with the roof or with the side wall.

The racks are to be arranged on the four sides of the room, and the end racks are to be securely joined to those running length ways so as to give perfect stability without the necessity for any attachments to the walls, which have been above prohibited.

An entrance into the quadrangular space formed by the racks is to be obtained by omitting the four lower shelves between two pairs of standards at any convenient spot. This will form an opening of 5 feet in width, and 7½ feet in height.

The number of tiers of shelves must depend upon the height of the room, but it will generally be found, that in rooms of average dimensions, 10 tiers can be obtained.

A space of 15 inches should be left between the bottom shelf and the floor.

All the standards or uprights are to rest upon a plate of sheet iron, of not less than a foot square.

Access to the upper shelves is provided by means of a gallery 2½ feet wide running round the inside of the racks at a height of 7½ feet from the ground, and supported upon cross pieces which are morticed into the standards on the inside, and rest on the outside upon octagonal posts 4½ inches in diameter.

When stone slabs built into masonry piers are employed, the same space will be provided.

The slabs of stone are to be 6 feet in length by 2½ in depth, six inches of the length at each end being built into the masonry pier, which is to be of a foot thick, leaving the length and depth of the shelves 5 feet by 2½ as in the wooden racks.

A wooden gallery is required to enable the upper shelves to be reached, the construction of which will be similar to that above directed.

Ordered, that a copy of this Resolution be communicated to the Commissioners of Dehlie, Meerut, Agra, Allahabad, Benares, Rohilcund and Saugor, for the information and guidance of themselves, and the District Officers subordinate to them.

Ordered also, that copies be furnished to the Sudder Board and Court, for information and guidance.

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ORDERS OF THE GOVERNMENT,
NORTH WESTERN PROVINCES,
For 1855.

GENERAL, FINANCIAL, AND FOREIGN DEPARTMENT.

No. 57 A.—*To the Commissioners of Divisions.—General Department,—Dated Head-Quarters, Camp Dumoh, the 9th January* 1854.

In continuation of the orders contained in my Circular letter No. 3301 A., dated 9th ultimo, I am directed to inform you that the Honorable the Lieutenant-Governor has been pleased, on the suggestion of the Commissioner of Benares, to sanction the attachment also of a Native Vaccinator, or where the Commissioner may see that they can be usefully employed of two such Vaccinators, to the camp of every Commissioner during his annual tour.

No. 1318.—*From Secretary to Government of India, to Secretary to Government, North Western Provinces.—Home Department, dated the 22nd December* 1854.

It having come under the observation of the Governor General in Council, that the several Governments are sometimes unnecessarily addressed by local Officers, on matters connected with the Post Office, which could be better disposed of in direct communication with the Post Office authorities, I am directed to request that the Hon'ble the Lieutenant-Governor of the North Western Provinces will have the goodness to instruct the several local Officers under his jurisdiction, that they are not generally to consider themselves debarred from corresponding direct with the Post Office authorities, on matters connected with the improvement of the Postal arrangements in their neighbourhood.

No. 119 A.—*Head-Quarters,—Camp Jubbulpore, the 16th January* 1855.

Ordered, that a copy of the above letter be forwarded to the Commissioners of Divisions, for information and guidance, and for communication to the Magistrates and Collectors under them.

Circular No. 1606 A. of 1854.—*General Department,—Dated Head-Quarters, Camp Saugor, the 30th December* 1854.

I am desired by the Honorable the Lieutenant-Governor to transmit for your information, copy of a letter from the Officiating Secretary to the Government of India, Home Department, dated 9th instant, No. 1277, regarding public despatches by the post, and to request your special attention to the rules quoted, so that all unnecessary weight to the mails may be avoided.

2.—In most Public Offices the despatch of papers is entrusted to one of the lower Clerks, but it is necessary that the Uncovenanted Head of your Office should be made responsible for the due observance of the new Postal Rules in the packing and despatching of all public documents. Clear instructions should be given at first by the presiding Officer, followed up by frequent personal inspection, till a proper practice has been well established.

3.—The habit of using an unnecessary number of envelopes should be carefully checked. As many letters for one office as can come within the limit of twelve tolahs, should be put into one cover, as prescribed in Rule 29 of the Post Code. Envelopes should be made of such different sizes, as to fit closely over the papers they are intended to cover. Unimportant letters should be written on paper of the smallest official size, and folded as compactly as possible.

4.—You are requested to communicate injunctions to any officers, Native or European, under your control, having separate offices of their own*, to carry the present order strictly into effect.

5.—Suggestions of detail on the subject by the Assistant to the Secretary in this office are appended, and the care of all Heads of Government Offices will be given to secure the object, to which much importance is attached, of rendering the conveyance of necessary official papers as little burdensome as possible to the Post Office Department.

No. 1277 of 1854.—*From the Officiating Secretary to the Government of India, to the Secretary to Government of the N. W. Provinces.—Home Department, Dated the 9th December* 1854.

The Director General of the Post Office of India having brought to the notice of Government the want of attention on the part of Public Officers to the Post Office Rules, Nos. XXIX. and XXXVI., which direct that public despatches should be compactly made up, and of as small size as possible, I am directed by the Most Noble the Governor General in Council to request the attention of the Honorable the Lieutenant-Governor, North Western Provinces, to the subject, with the view to orders being issued to the several departments under the Government of the North Western Provinces enjoining attention to the above Rules, and prohibiting the transmission, by post, of useless papers, and thick and heavy envelopes.

2.—In regard to Section 14 of Act XVII. of 1854, the Governor General in Council is pleased to resolve, that in cases of emergency, letters exceeding in weight twelve tolahs may be conveyed by letter post, on the written requisition of a Secretary to Government, or of the Secretary to the Chief Commissioner in the Punjab.

3.—As an instance of the manner in which the mails are sometimes loaded unnecessarily, I am directed to enclose a letter recently sent to Agra by the Commissioner of the 4th, or Allahabad, Division, which weighs without its covers less than one-quarter tolah, and with them nearly two and a half tolahs. There appears to be no reason why the receipt for printed forms should not have been sent from the Commissioner's Office as a letter without any cover.

MEMORANDUM.

It is a common practice in some offices, especially District Offices, to have one sized envelope (generally for letters on foolscap paper,) and to use it for all purposes; this ought to be corrected. A set of lefafas, of various sizes, should be carefully made up, according to the dimensions of papers ordinarily despatched.

* Native Judges, Deputy Collectors and Tehseeldars, for whom copies of a translation in Oordoo will be furnished.

A great deal depends upon folding. Official papers cannot always be folded as private letters; but the size of envelope may be very much reduced by smaller folding of contents, than is generally observed, without any public disadvantage: for example letters written upon half a sheet of foolscap paper might first be doubled down breadth ways, and then in three parts, transversely. In offices from which several short letters are written daily, (Collector's Treasuries for instance,) the reduction of weight to the mails, will, if this plan be pursued, be, in the aggregate, considerable.

Ordinary printed forms, and periodical, or other returns, might well be sent in the manner indicated in the 3rd paragraph of the Government of India's letter, *i. e.*, in a small wrapper, like covers of newspapers, open at both ends, or what perhaps is better, Returns written on one side of the paper, might be superscribed on the folded reverse, as private letters. In the Agra Treasury the weekly letters of advice, and many other papers, have been posted in this manner for some time. I consider this plan preferable to pasting a small label on the letters, as I see is done in one of the Agra Offices.

Much improvment might also be made in the despatch of vernacular papers by post, in the District Offices. Roobakarces, on the most trivial matters, are generally written upon the usual heavy, large sized paper, and in a wide, loose hand. In many cases half the size of paper would be ample, and these, too, could be addressed on the reverse.

Other points of detail, such as lightness of country paper for copies of vernacular proceedings and envelopes, &c., when not attended with extra expense, will suggest themselves to officers in carrying out the present orders. I may here call attention to the paper manufactured at some of our Jails, which is lighter, and, I hear, cheaper, than much of the bazar paper used in the District Offices. The envelopes of sizes, made and lithographed in the Allahabad Jail, are also well deserving of attention. Any quantity may be procured from there.

No. 150 A.—*Notification.—Head-Quarters, Camp Punnagurh,—General Department, the 22nd January* 1855.

THE following Rules for the transmission of Messages by the Electric Telegraph, are re-published for general information:—

RULES FOR THE TRANSMISSION OF MESSAGES BY THE ELECTRIC TELEGRAPH.

Passed by the Governor General of India in Council, on the 5th January 1855.

I.—MESSAGES on the Public Service shall take precedence of all others.

II.—Service messages shall be charged for at the same rate as private messages, but the former shall be paid for by a transfer in account, covered by a *pro formâ* receipt without cash payments.

III.—A Return shall be made every quarter to the Government of India and to the local Governments, showing the number and cost of Messages transmitted by each Department during the preceding quarter.

IV.—No Government Officer shall employ the Telegraph except on urgent and important occasions, and no message shall be sent on Service by the Electric Telegraph, unless the saving of time effected by the Telegraph is of real importance.

V.—At the seats of the local Governments authority to despatch Messages is vested in the head of the Government and in his Private Secretary. All other Service Messages, Civil and Military, shall be sent under the authority only of the Chief Secretary to Government, and of the Chief Military Officer respectively.

VI.—At Calcutta, Messages will be sent under the signature of the Governor General, of his Private Secretary, and of the Secretaries to Government. The power of

communication along the river is also vested in the Superintendent of Marine and the Master Attendant.

VII.—At Telegraph Stations not being seats of Government, no Service Message shall be sent; unless it be signed by the Chief Civil or Military Officer of the station, each for his own Department.

VIII.—The Officer who signs the message will be responsible for the necessity of sending it by the Telegraph, and if on the periodical inspection of the Station-books it shall be discovered that Messages of a trifling nature have been despatched, the Officer who authorized them will be made to pay for them.

IX.—Officers whose signatures will authorize Messages to be sent free, are bound in honor not to send private communications under cover of that authority.

X.—All Service Messages must be conveyed in as few and as short words as possible.

XI.—Messages will be received for transmission by Electric Telegraph on and after the 1st of February 1855, at the under-mentioned rates of charge, and subject to the following rules:—

A single rate is one Rupee for 16 words and under, and for that sum the Message may be transmitted 400 miles.

A single rate, or distance of 400 miles from Calcutta, will include Benares, and all Telegraph Stations between those cities.

A double rate from Calcutta will include Agra and the intermediate Stations at Allahabad and Cawnpore.

A treble rate from Calcutta will include Meerut, Dehlie, Loodianah, Lahore, Gwalior, Seepree and Indore.

A quadruple rate from Calcutta will include Peshawur and Bombay.

Peon hire at the rate of 4 annas per mile, will be charged for extra, if the Message be sent to any place at a distance from a Telegraph Station.

The rates for the Madras line will be established on the same principle, and will be announced when the Offices under that Presidency are opened.

XII.—No Message, however brief, will be charged for at less than a single rate, and the reply will, in every case, be charged for separately.

XIII.—Mercantile or other Messages involving important results, will only be received on condition of being repeated back from each Receiving Station, and at double price, according to the practice in Europe.

XIV.—The sender of a Message may pre-pay the charge for a reply, which must be limited to the number of words so pre-paid for.

XV.—All Messages must be in the English language, and must be pre-paid in cash, including Peon hire, excepting Messages sent from River Stations below Calcutta.

XVI.—No unpaid Message, with the above exception, shall on any account be transmitted. A violation of this rule will subject the Signaller, or Assistant in charge of the Station whence the message may be sent, to dismissal from Office.

XVII.—Messages in cypher will be charged for at triple rates, under special rules which may be learned at the different Telegraph Offices.

XVIII.—All communications in cypher must also be repeated back to obtain accuracy, and the repetition will be charged for in addition at single rate.

XIX.—Should a Message in cypher be tendered for transmission simultaneously with a Message in ordinary language, the latter will take precedence of the former.

XX.—Subscriptions for daily Messages of 48 words or more, will be received at an abatement of one-fourth of the above-named rates.

XXI.—Violation of secrecy on the part of any Officer, Assistant, Clerk, or Signaller, in the Telegraph Department, will be punished by dismissal from Office, forfeiture of arrears of pay, and a declaration in the official *Gazette* of the incapability of the delinquent to serve the Government in any public capacity.

XXII.—Officers in charge of Telegraph Stations may refuse to transmit a Message which may be of a decidedly objectionable character. Should the character of the Message be disputed, the matter may be referred to a Secretary to Government if the dispute occur at the seat of a Government, or to the Chief Civil Officer if it occur at a Mofussil Station.

XXIII.—Private Messages shall be transmitted in the order of their receipt in the Telegraph Office. Should two or more Messages be tendered for transmission at the same time, the shortest shall have the precedence without reference to its relative importance.

XXIV.—No Message or Messages, beyond 200 words in all, can be sent at one time by one individual or firm; and no second Message can be sent by the individual or firm till after the lapse of three hours, unless the line be free, and not required by any one else.

XXV.—Private Messages will, until otherwise notified, only be received between sunrise and sunset.

XXVI.—During the receipt of Messages signalled as "Confidential," visitors shall be excluded from the Signalling Room. A violation of this rule shall subject the Assistant in charge to dismissal from Office.

XXVII.—News and Messages shall be conveyed in the following order:—

1*st.*—Intelligence of the English Mails.

2*nd.*—Messages for the Press.

3*rd.*—Messages for Subscribers.

4*th.*—Messages for non-Subscribers.

XXVIII.—Overland intelligence, or other public news of great importance, shall be given to the Press free of charge, at the seats of the different Governments, and at all other places on the line where Newspapers are published, and where there are regular Repeating Stations. The intelligence or news will ordinarily be given in two Messages; the first in as few syllables as possible, and containing not more than 25 or 30 words; the second Message will be full, but shall not exceed 640 words.

XXIX.—Messages will, under these rules, be received by Post from Europe or elsewhere for transmission, if money be deposited beforehand sufficient to pay for the transmission.

XXX.—Messages will also be sent to the Post Office in letters, bearing-postage, when instructions to that effect are sent with the Message.

XXXI.—The accuracy of Messages is not guaranteed.

XXXII.—The foregoing Rules are provisional, and the rates are open to revision.

No. 236 A.—*Notification.—Head-Quarters,—Camp Umarpattun,—General Department, the* 31*st January* 1855.

The following Prospectus of the College for Civil Engineers at Roorkee, is published by order of the Hon'ble the Lieutenant-Governor, North Western Provinces, for general information, in supercession of the previous Notifications by Government on this subject.

The Senior Department of the College consists of Commissioned Officers of Her Majesty's and the Honorable Company's Services, authorized by the Honorable Court of Directors. General Orders by the Governor General in Council, No. 585 of 1852, published in G. O. C. C., 6th October 1852, are referred to for the rules of admission to this deparment. The ability of candidates to enter upon a course of Surveying, and Constructive and Mechanical Engineering, will be previously tested by an

examination into their knowledge of Arithmetic, of Geometry to the extent of the first four Books of Euclid, and of Algebra, to Quadratic Equations inclusive.

Besides this there are three Departments in the College, in each of which are a certain number of stipendiary students, for whom quarters are provided.

No student in any Department will be admitted, unless he can furnish satisfactory testimonials of character. He should likewise be of good constitution, and capable of undergoing fatigue and exposure in field work.

First Department.—Candidates for admission as stipendiaries to the 1st Department must be under the age of 22. They must be well acquainted with the English language; able to read and write it with ease and accuracy. Natives of Upper India will likewise be required to read and write Oordoo correctly, and to translate into that language from English, a passage from some work on Engineering subjects which is tolerably free from technical expressions. English candidates will likewise be required to read and write Oordoo in the Persian character. All are required to pass an examination in Arithmetic, Algebra, Geometry, Mensuration, Plane Trigonometry, and Mechanics. They must also be able to draw simple plans correctly to scale. Candidates, on furnishing testimonials of good conduct, and probable fitness for the profession of a Civil Engineer, will be examined by means of written questions to be sent by the Principal, and worked out by the candidate in the presence of some responsible person whose nomination must be approved by the Principal.

The number of stipendiary students in this Department is limited to 10. They will receive, whilst attached to the College, a subsistence allowance of Rs. 30 per mensem, and free quarters.

Their instruction at the College is designed to qualify them for the appointment of Sub-Assistant Civil Engineer, and generally for employment in connection with Engineering works, and other departments of scientific labour.

Certificates will be granted to them only after the Annual Examination of each year, and to those only who have completed the College course laid down for their department satisfactorily.

"Second Department.—European Non-Commissioned Officers and Soldiers. They are required, previous to admission, to prove by examination their proficiency in Reading and Writing, Arithmetic, as far as Vulgar Fractions, Elementary Geometry, Mensuration, and Simple Plan Drawing. They must be well recommended by their Commanding Officer, and by the Executive Engineer of the Division in which they may be stationed, and furnish a certificate from a Medical Officer, of unimpaired constitution; also a certificate that they have not been at any former time dismissed from staff employment. Passed candidates will be nominated about the month of August in each year, and will join the College on the 1st of November following.

"The men of the Department will be considered as doing duty at the College, and will remain on the strength of their respective Regiments, until appointed to the Department of Public Works, and brought on the strength of the Town Major's list. Whilst at the College they will wear the undress, or fatigue uniform of their rank and Regiment, with forage cap and cap cover, and will be under the command of the Principal, and, in his absence, of the Senior Officer of the College who may be present.

"They should be furnished, on joining the College, with a record of service, and certificates of the last pay, rations or batta, clothing and bedding, received by them with their regiments, also of the nature of the carriage furnished to them at Government expense, on their leaving their Regiments. They will receive, whilst at the College, the same pay as with their regiments, including good-conduct pay, when entitled thereto, together with dry batta or ration money, and 10 rupees College allowance, which is intended to cover the cost of books, and other extra expenses. When not

furnished with carriage, either for tent or baggage, to enable them to join, they will receive travelling allowance, at the rate of one anna per mile; and if furnished with carriage for tents only, but not for baggage, the allowance will be half an anna per mile. In either case a double allowance will be granted to married men.

"They will be examined from time to time, and if they make insufficient progress, and are not study and industrious, they will be remanded to their regiments. After the final examination at the close of each season, those who are found fit will be recommended for appointment as Assistant Overseers, and be brought on the Town Major's list from the date on which the results of the Examination are declared. They will however not be entitled to their full pay as Assistant Overseers until they shall have joined their appointments, but will receive, up to that time, the same pay as at the College, together with one anna per mile for the distance travelled by them in joining. This amount will be advanced to them by the Principal of the College on their leaving, but is to be paid by the Executive Officer under whom the Assistant Overseer is directed to serve.

"The number of students in this Department is limited to 30, of whom 3 may be married men, whose wives must be furnished with certificates of good character, as well as themselves."

THIRD DEPARTMENT.—Native students, in number 50, to whom instruction is conveyed through the medium of their own language.

In this department are two Divisions.

Senior Division—consists of 10 students, who must have acquired, previous to admission, a good knowledge of Arithmetic, Geometry to the extent of six Books of Euclid, Mensuration, Algebra to Quadratic Equations, the use of Logarithms, the Elements of Plane Trigonometry, and drawing simple plans to scale. They will receive, whilst attached to the College, a subsistence allowance of 10 rupees per mensem and free quarters, except in September and October, during which months they will be allowed to visit their homes.

Junior Division.—The lowest attainments qualifying for admission to the Junior Division, will be a fair acquaintance with Arithmetic, including Vulgar and Decimal Fractions, Algebra to Simple Equations, Geometry to the extent of two Books of Euclid, and an ability to read and write Oordoo in the Persian character, correctly and clearly. The number of Stipendiary Students in this Division is 40, who receive a montly allowance of five rupees and free quarters, during ten months of the year as above. Students of this Division will, on being found qualified, be transferred to the Senior Division, provided the prescribed number of the latter be not thereby exceeded.

The students of the 3rd Department will not be allowed to stay at College more than two years; during the first year, those of the Junior division will be expected in surveying to carry the chain and instruments, measure off-sets, and assist generally in the surveys performed by their seniors in this Department.

The Practical instruction of students of the 3rd Department, in both Divisions, is regulated with a view to their employment as Surveyors, Draftsmen, Assistants in Public Works, &c., according to their several abilities.

Students of the 3rd Department, on obtaining employment, are entitled to a travelling allowance of one anna per mile from Roorkee to the place of their destination, in addition to their College pay during the journey. The travelling allowance must be sent as an advance by the persons applying for their services. The distance should be calculated by the Post Office Polymetrical tables, either to Meerut or Suharunpoor, which are respectively sixty-two and twenty-two miles distant from Roorkee.

Admissions into the 3rd Department will take place usually after the Examination occurring in August. Candidates may at this season be examined at any of the Government Colleges at the Central School of the Vernacular School system of the Upper

Provinces, and at Roorkee; where promising students will be entered at all times as Non-Stipendiaries, to study with a view to qualifying themselves for admission as stipendiaries.

Properly qualified candidates coming to Roorkee and supporting themselves there at their own cost, are permitted to study with either of the Departments, except the Senior, so far as means may be available for their instruction. Should the number of such applicants hereafter become numerous, moderate fees will be demanded for admission to the benefit of the Institution. Instruction will continue for the present to be gratuitous, and no payments will be demanded without previous notice of one year.

The European Non-Stipendiary students are divided into two Classes; for the 1st Class the preliminary examination will be the same as that for candidates for the 1st Department, as far as Plane Trigonometry; for the 2nd Class, the examination will be similar to that for the 2nd Department.

Quarters for both these classes are, to a limited extent, furnished in Government buildings, on a payment of rent varying from Rs. 12-8 to 5 per mensem.

The subsidiary rules for admission and examination will be furnished to all applicants by the Principal.

Annual Examinations will be held, when the students will be classed according to their proficiency, and prizes will be awarded to the most successful.

No. 316 A.—*Camp Allahabad,—General Department, the* 10*th February* 1855.

THE following Notification, issued by the Most Noble the Governor General of India in Council, in the Home Department, is re-published for general information:

No. 180.—*Notification.—Fort William,—Home Department, the* 26*th January* 1855.

With reference to the Notification from the Military Department, No. 100 of 1855, the following Public letter, No. 18 of 1854, dated 22nd March, from the Honorable the Court of Directors, is published for general information:—

Public Department, No. 18 *of* 1854.

OUR GOVERNOR GENERAL OF INDIA IN COUNCIL.

1.—In our Despatch of this date, No. 6, to the Government of Bombay, we have given our views on a question submitted by that Government, viz. "Whether a public declaration of insolvency on the part of our Civil Servants is to be regarded as a disqualification for office, or to be visited by Government with any marks of its disapprobation."

2.—In reply to this question we have said, "We have no hesitation in giving it as our decision that such a declaration of insolvency as is involved in a resort to the Insolvent Debtor's Court for relief, is quite incompatible with the maintenance of that high character for independence, which we regard as essential in those filling offices of trust and authority in our service. We direct, therefore, that, in the event of any one of our Civil Servants at any time availing himself of the means afforded by the Court to obtain relief from his liabilities, he be suspended from public employment, and his case forthwith reported to us for final orders. You will give public notification to this effect, in such way as you may think proper."

3.—You will consider these views as of general application under all our Governments.

(Signed) J. OLIPHANT,
and 12 other Directors.

London, 22nd March 1854.

No. 418 A.—*Notification.—General Department,—Agra, the* 15*th March* 1855.

It is hereby notified that the Hon'ble the Lieutenant-Governor, North Western Provinces, has been pleased to authorize the experimental establishment, for a term of the cessation of which one year's previous notice will be given, of 12 Exhibitions, of 20 rupees each per mensem, with free quarters, in the 2nd Department of the Thomason Civil Engineering College at Roorkee,—the exhibitions to be awarded upon a general examination of all candidates who may produce certificates of good character from the Directors of Educational Institutions of known respectability, or whose fitness to be admitted for examination may be otherwise shown to the satisfaction of the Principal of the College.

2nd.—The tests now in force for the entrance of Non-Stipendiary students to this Department, shall be the minimum qualification required for admission to the benefits of an exhibition.

3rd.—The age of candidates shall be not less than 16, or more than 20, years.

4th.—The Exhibitions shall be assigned to the candidates possessing the highest qualifications beyond the minimum standard, in the order of their passing the examinations.

5th.—No Exhibition shall be held for more than two years, and every one holding an Exhibition shall at any time be liable to lose it, in the discretion of the Principal, with the concurrence of the Visitor of the College, for misconduct, or insufficient progress.

6th.—The usual time for the admission of candidates shall be on the 1st November of each year, at which date the examinations will be ordinarily held in the manner, and under the precautions, to be notified by the Principal of the College; but the names of candidates will be recorded, and examination papers may be sent to them under the like precautions whenever the Principal of the College may find that provision needs to be made for the supply of any vacant Exhibitions.

7th.—The first admissions shall take place in this year, on applications received by the Principal before the 1st May next. Any vacancies remaining after the examination to be then held may be assigned at a subsequent examination, upon a date which may be fixed, with a previous notice of one month, by the Principal.

8th.—Non-Stipendiary Students, admitted on the existing rules for that class, may, within a year from the date of such admission, take part in the competition, and be eligible for an Exhibition.

No. 423 A.—*Resolution.—General Department,—Agra, the* 16*th March* 1855.

Read a letter from the Curator of Government Books, dated the 23rd February, No. 251, on the mode of charging the salary of the Book Mohurrirs, and the Commission on the sale of Books.

Read also a memorandum on the same subject by the Director of Public Instruction, dated the 8th instant.

1st.—The Lieutenant-Governor is of opinion that the Book-shops, with the exception of the Central Depôt at Agra, should be transferred from the charge of the Curator, to that of the Director Public Instruction, and is accordingly pleased to direct the following arrangements to have effect from the 1st May following.

2nd.—From that date the stock in the various Subordinate Depôts, and all stock subsequently supplied to them, will be struck off by the Curator from his accounts, and will be, for the present, under the exclusive control, and to the debit, of the Director of Public Instruction.

3rd.—The Zillah Visitors will be relieved from the charge of the Books and Book-shops; but will perform such duties of inspection and report in regard to them as may, from time to time, be desired by the Director.

4th.—Instead of there being a Mohurrir in any district, separate from the shop Bookseller, there shall be, in every district where a shop is established, one Mohurrir both for keeping the General Book Account of the district, and for the care and management of the City shop. He will receive a fixed salary of 12 rupees per mensem, besides a commission of 10 per cent. on all his own direct sales. This commission will not extend to any sales which may be made through the agency of the Zillah Visitors, who will, as at present, receive a commission of 10 per cent. on the sales made by them.

5th.—The Mohurrir can employ, at his own charge, an Assistant, as he may find necessary.

6th.—Of the 18 rupees per mensem at present sanctioned for the maintenance of City shops, and the keeping of the district Book accounts, six rupees will thus remain disposable for miscellaneous expenses.

7th.—The Agra Book-shops will come under the above rules, the Curator being responsible only for the Central Depôt under his immediate charge.

8th.—The Director will be vested with authority to pass all bills for salary and commission at the above rates on his own signature, upon which the bills, within the limits specified, will be passed by the Civil Auditor.

9th.—The net surplus will be credited in the Book Account.

10th.—Such books as the Zillah Visitors take for prizes, distribution, or sale, from the City store, will be debited in that account to the Educational Department.

11th.—The Director will be authorized to raise the sale-price of the Government publications, at his discretion, to a sum not exceeding the cost-price by more than from 25 to 50 per cent. according to the demand, and the amount of charge for the several classes of books. This moderately enhanced price may, it is hoped, reimburse the Government for the expense of the above arrangements.

12th.—At the close of April 1856, the Director of Public Instruction will submit a report upon the financial result of his operations under the rules now prescribed. And he will, at the close of each six months, furnish, till further orders, an analysed statement of the sales effected, and of the books found to be in the greatest demand, at the different shops, with any remarks or suggestions which the results may call for. The first report will be rendered for the six months, from January 1st to July 1st of the present year.

ORDER.

Ordered, that a copy of this Resolution be forwarded for information and guidance to the Director of Public Instruction, the Curator of Government Books, the Accountant, and the Civil Auditor.

No. 438 A.—*Financial Department,—Agra, the* 19*th March* 1855.

THE Honorable the Lieutenant-Governor is pleased to re-publish the following Notification by the Government of India, Financial Department, dated the 12th March, for general information:—

Notification.—Fort William,—Financial Department, the 12*th March* 1855.

The Government of India having undertaken Public Works to a large extent during the past and present years, has resolved to open a loan, to be called "The Public Works Loan of 1854-55," to the extent of two Crores and Seventy-five Lacs of Company's Rupees.

This sum will be allotted to the different Presidencies and Lieutenant-Governorships, in the following proportions:—

	Rupees.
Bengal, -- -- -- -- -- --	1,25,00,000
Agra and the Punjab, -- -- --	70,00,000
Bombay, -- -- -- -- -- --	50,00,000
Madras, -- -- -- -- -- --	30,00,000
Total, --	2,75,00,000

Subcriptions will be received from the date of this Notification, by the Sub-Treasurers at Fort William, Fort St. George, and Bombay, and by the Collector of Agrà.

Subscriptions will likewise, hereafter, be received at such other Treasuries as may, from time to time, be notified by the Secretaries to Government in the Financial Department, at the several Presidencies and Lieutenant-Governorships.

But it will be understood, that, if the whole sum allotted to any particular Presidency or Lieutenant-Governorship shall not be subscribed within (2) two months from the date of this Notification, it shall be optional with the Government of India to direct that the balance shall be received at any other Presidency or Lieutenant-Governorship.

Subscriptions must be tendered in sums of even hundreds, of not less than 500 Company's Rupees, subject to the provisions hereinafter specified.

Interest will be paid on the subscriptions received half-yearly, at the rate of Five Company's Rupees per centum per annum; and the Government of India guarantees that no part of this Loan shall be paid off before the 31st March 1870, nor without a previous notice of three months to be issued at any time after the 30th of December 1869.

Authorized public demands (including Audited Bills for arrears of salary and Bills of Exchange) payable from the Public Treasuries, in which subscriptions may be allowed to be received, will be taken as Cash at par, on the understanding, however, that Bills of Exchange will be subject to a deduction at the rate of five per centum per annum for the period they have to run.

The several Public Officers authorized to receive subscriptions into this Loan will grant acknowledgments, in the following form, for all sums received by them respectively:—

"I hereby acknowledge that A. B. has this day paid into the East India Company's Treasury the sum of Company's Rupees , for which he is entitled to receive a Promissory Note bearing Interest from the 31st March (or the 30th September as the case may be) of the tenor, and subject to the conditions, of the Loan specified in the advertisement published in the *Calcutta Gazette* of the 12th March 1855."

The Accountant General at Fort William will, on the said acknowledgments being delivered, forthwith cause to be prepared, and issued to the parties entitled thereto, Promissory Notes under the signature of the Secretary to the Government of India in the following form:

"PUBLIC WORKS LOAN.

Fort William, the 12th March 1855.

"Promissory Note, at five per centum, for Company's Rupees . The Governor General of India in Council does hereby acknowledge to have received from A. B. the sum of Company's Rupees , as a Loan to the East India

Company, and does hereby promise for and on behalf of the said Company, to repay the said Loan, by paying the said sum of Company's Rupees to the said A. B., his Executors or Administrators, or his or their order, on demand, at the General Treasury of Fort William, after the expiration of three months' notice of payment to be given by the Governor General of India in Council in the *Calcutta Gazette*, and to pay the interest accruing on the said sum of Company's Rupees at the rate of five per centum per annum, by half-yearly payments at the General Treasury of Fort William, to the said A. B., his Executors or Administrators, until the expiration of three months after such notice of payment as aforesaid, when the amount of Interest due will be payable with the Principal, and (such notice being considered equivalent to a tender of payment at the period appointed for the discharge of the note) all further Interest shall cease.

"Signed by the authority of the Governor General of India in Council,

"*Accountant General's Office,* *Registered as No.* *of* ."	"*Secretary to the Government of India.*"

The several Officers authorized to receive subscriptions will, on application from the holders of Acknowledgments, transmit them (free of every expense whatever) to the Accountant General at Fort William, to be exchanged for Promissory Notes bearing Interest from the 31st March (or the 30th September, as the case may be) next ensuing after the date of subscription. The Interest accruing on the broken period of the half-year that may intervene between the date of subscription and the 31st March (or the 30th September as the case may be) next ensuing, will be paid up at the time of granting the acknowledgment.

Proprietors of Notes or Acknowledgments, who may desire to have the Interest payable at any other Public Treasury than at the General Treasury of Calcutta, shall be entitled to receive it accordingly, provided they notify their wish to the Accountant General at Fort William, and transmit the Notes or acknowledgments to him to have an order for the payment of Interest at the said Treasury written on the face of the Notes under the signature of the said Officer or that of his Assistant, and after such order shall, on the application of the proprietor, be inscribed on any Note, the Interest shall be payable only from the said Treasury, unless the proprietor shall present the Note with an application, for the purpose of transferring the payment elsewhere, to the Accountant General at Fort William.

The Promissory Notes of this Loan shall not be renewed, sub-divided, or consolidated, except by the Accountant General at Fort William. The practice and rules heretofore in use, in regard to the renewal, sub-division and consolidation of Promissory Notes, will be adhered to.

With reference to paragraphs 4 and 5 of the Notification, the Lieutenant-Governor is pleased to notify, that the undermentioned Treasuries in the North Western Provinces and the Punjaub, will be open until the 12th May next, for the receipt of subscriptions to the amount specified opposite each.

	Rupees.
Peshawur, -- -- -- -- -- --	5,00,000
Rawul Pindee, -- -- -- -- --	5,00,000
Lahore, -- -- -- -- -- --	20,00,000
Dehlie,-- -- -- -- -- -- --	20,00,000
Agra, -- -- -- -- -- -- --	10,00,000
Cawnpore, -- -- -- -- -- --	10,00,000

No. 1852.—*Notification.—General Department,—Agra, the 8th May* 1855.

THE following Notification, issued by the Government of India in the Home Department, under date the 13th ultimo, No. 530, is re-published for general information:

No. 530.—*Notification.—Fort William,—Home Department, the 13th April* 1855.

The following Treasury Warrant, dated the 23rd January 1855, for the future regulation of the Book Post between Great Britain and the Colonies, is published for general information.

TREASURY WARRANT.

Whereas by an Act, passed in the fourth year of the reign of Her present Majesty, intituled "An Act for the regulation of the duties of Postage," certain scales of weights and rates of postage were fixed and made chargeable and payable upon, for, or in respect of letters, newspapers, parliamentary proceedings, and printed papers transmitted and forwarded by the post, and various regulations were made for facilitating the transmission of such letters and papers by the post.

And whereas by the said Act, powers were given to the Commissioners of Her Majesty's Treasury, from time to time, and at any time thereafter, by warrant under their hands, to alter and fix any of the rates of British postage or Inland Postage, payable by law on the transmission by the post of foreign or colonial letters or newspapers, or of any other printed papers, and to subject the same to rates of postage according to the weight thereof, and a scale of weight to be contained in such warrant, and from time to time, by warrant as aforesaid, to alter or repeal any of such altered rates, and make and establish any new or other rates in lieu thereof, and from time to time, by warrant as aforesaid, to appoint at what time the rates which may be payable are to be paid, and the power thereby given to alter and fix rates of postage is extended to any increase or reduction or remission of postage.

And whereas by an Act, passed in the eleventh year of the reign of Her present Majesty, intituled "An Act for giving further facilities for the transmission of letters by post, and for the regulating the duties of postage thereon, and for other purposes relating to the Post Office," the provision fixing the maximum weight of letters to be sent by the post, in the first-mentioned Act, is repealed; and in order to prevent packets of an unwieldy bulk or an inconvenient size being transmitted by the post, power is given to the Commissioners of Her Majesty's Treasury, at any time or times thereafter, by warrant under their hands, to fix the maximum weight of letters to be sent by the post, and from time to time to repeal or revoke such maximum weight, wholly or in part, and declare any other maximum weight in lieu thereof; and it is provided, that all letters shall be forwarded, conveyed, and delivered by the post in conformity with any such warrant, and also in conformity with and under and subject to all such orders, conditions, limitations, regulations, and restrictions as to the form, size, or dimensions thereof, whether in proportion to the weight or otherwise, as the Post Master General, with the consent of the Commissioners of Her Majesty's Treasury, shall from time to time direct. And by the said Act power is also given to the Post Master General to collect and receive the foreign and colonial postage charged, or chargeable on any letters sent by the post, and also, with the consent of the Commissioners of Her Majesty's Treasury, to require the postage, British, Colonial, or foreign of any letters sent by the post, to be pre-paid, either in money or in stamps as he may think fit, on the same being put into the Post Office, and also with such consent to abolish or restrict the pre-payment in money of postage on letters sent by the post, either altogether or on certain letters, and to require the pre-payment thereof to be in stamps, and also to refuse to receive or send by the post any letters tenderd contrary to any regulations

thereby made. And it is also declared and enacted, that in all cases in which the British postage, chargeable on any letters sent by the post, shall exceed the sum of one penny, the Commissioners of Her Majesty's Treasury may, by warrant under their hands, reduce such postage to any other rate of postage they may from time to time think fit. And also, that the Post Master General may, if he shall think fit, (with the consent of the Commissioners of Her Majesty's Treasury) allow any printed words, writing, or marks (in addition to the direction) to be put on any printed newspapers or other printed papers sent by the post, or on the covers thereof, and that any such newspapers or other printed papers, shall from thenceforth be forwarded either free of postage, or subject to such rates of postage, as the Post Master General, with the consent of the Commissioners of Her Majesty's Treasury, shall from time to time direct. And it is also declared and enacted, that the Post Master General, and any Officer of the Post Office, may detain any letters which shall be posted or sent by the post contrary to the regulations of that Act, or the first-mentioned Act, or contrary to any regulations made under the authority of that Act, or of the first-mentioned Act, or contrary to the regulations of any Treasury warrant to be issued under or by virtue of that Act, or which had been, or should be, issued under, or by virtue of the first-mentioned Act, and open such letters, and either return them to the senders thereof, or forward them to the places of their destination, charged in either case with such rates of postage as the Post Master General, with the consent of the Commissioners of Her Majesty's Treasury shall from time to time direct.

And whereas the Post Master General hath, with the consent of the Commissioners of Her Majesty's Treasury have, at various times, since the passing of the said two before-mentioned Acts, and in pursuance and in exercise of the powers reserved to them thereby, by divers warrants under their hands, made and given certain orders, directions and regulations, relating to the weight, size, and dimensions, and to the rates of postage in conformity with, and under and subject to which, certain printed papers and Parliamentary proceedings therein respectively mentioned were to be, and are, transmitted by the post, and it is expedient that such warrants, and such orders, directions, regulations, and rates, should be altered, repealed, and revoked, and that other orders, directions, regulations, and rates, should be made and given, and consolidated and incorporated in one warrant.

1.—Now we, the Commissioners of Her Majesty's Treasury, in exercise of the powers reserved to us in and by the said two before-mentioned Acts, or either of them, and of all other powers enabling us in this behalf, do by this warrant (under the hands of two of us the said Commissioners, by the authority of the statute in that case made and provided) order and direct that the several warrants and parts of warrants mentioned and set forth in the Schedule A. to this warrant annexed, and the several orders, directions, regulations, and rates of postage in such several warrants and parts of warrants respectively mentioned and set forth, shall cease and determine, and shall be, and the same are, hereby respectively repealed and revoked.

2.—And we do further order and direct, that all packets consisting of books, publications, or works of literature or art, whether British, Colonial, or Foreign, and all packets consisting of printed votes or proceedings of the Imperial Parliament or the Colonial Legislatures, may be transmitted by the post between any part of the United Kingdom, and any part of the several places mentioned and set forth in the Schedule B. to this warrant annexed; and that all such respective packets shall be so transmitted in conformity with, and under and subject to, the several regulations, orders, directions, and conditions hereinafter mentioned and contained; and that as respects certain of the said places in the said Schedule B. mentioned, such transmission may also be by the routes mentioned against such places in such Schedule; and that, the single rate of postage for the transmission thereof shall be that which is mentioned and set forth against the said

places respectively in the said Schedule B.; and that all such respective packets so transmitted shall be subject to the several progressive and additional rates of postage hereinafter mentioned; that is to say:

On every such packet, so transmitted under the provisions of this warrant as aforesaid, if not exceeding half a pound in weight, there shall be charged, taken, and paid, for the transmission thereof respectively, as aforesaid, the uniform single rate of postage, which is mentioned and set forth against the said places respectively, in the said Schedule B.

And on every such packet exceeding half a pound in weight, there shall be charged, taken, and paid, progressive and additional rates of postage as follows; that is to say:—

On every such packet, if exceeding half a pound, and not exceeding one pound in weight, two rates of postage.

And on every such packet, if exceeding one pound, and not exceeding two pounds in weight, four rates of postage.

And on every such packet, if exceeding two pounds, and not exceeding three pounds in weight, six rates of postage.

And for every additional one pound in weight, of any such packet above the weight of three pounds, there shall be charged, taken and paid, two additional rates of postage, and every fractional part of such additional pound shall be charged, as an additional pound in weight, and each progressive and additional rate, chargeable under this Clause, shall be estimated and charged at the sum which any such packet would be charged with under this warrant, if not exceeding half a pound in weight.

No such packet, which in length or breadth or width, shall exceed the dimensions of two feet, shall be forwarded by the post, under the provisions aforesaid.

No such packet, posted in the United Kingdom, addressed to the East Indies or New South Wales, or posted in the East Indies or New South Wales, addressed to the United Kingdom, exceeding the weight of three pounds, shall be forwarded by the post, under the provisions aforesaid.

The terms "books, publications, or works of literature or art" in this warrant used shall, for the purposes of this warrant, mean and include all books, whether printed, written, or plain; publications or compilations, whether in print or in manuscript; almanacks, prints, maps, whether on paper or canvas or cloth, and whether printed or written; and any description of paper, parchment, or vellum, whether printed, written upon, or plain, together with any binding, mounting or covering of or upon, or belonging to any book or publication or work, or any portion thereof, or of or belonging to any paper, parchment or vellum, and any cases or rollers of prints or maps, book markers, pencils, pens, or other articles usually appertaining to any such book, publication, or work, paper, parchment, or vellum, or necessary for its safe transmission; and that every such packet shall be sent open at the ends or sides, and either without a cover, or in a cover, or envelope, open at the ends or sides, and that there shall be no letter, either closed or open, nor any enclosure, sealed or otherwise, closed against inspection, sent in or with any such packet, nor shall there be any letter or any communication in the nature of a letter, written or printed on the cover or envelope of any such packet.

Upon every packet transmitted by the post, under the authority of this warrant, between the United Kingdom and the several places mentioned and set forth in the said Schedule B., which shall be posted in the United Kingdom, the postage thereof shall be paid at the time of the same being posted, not in money, but by being duly stamped with the proper postage stamp or stamps affixed thereto, which stamp or stamps shall in every case be affixed or appear on the outside of every such packet, near the address or direction, and shall be the value or amount of the postage duty payable thereon under or by virtue of this warrant, unless any such packet be sent from any

department or office in or connected with the public service of Her Majesty, which shall keep a postage account with the General Post Office in London, in which case the same shall be forwarded post-paid, and the postage thereof shall be charged in such postage account; and upon every such packet which shall be posted in any of the colonies respectively mentioned and set forth in the said Schedule B. to this warrant annexed, the postage thereof shall be paid at the time of the same being posted.

3.—And in order to prevent any obstacles to the due and regular transmission of letters by the post, we do further order and direct, that it shall be lawful for any officer of the Post Office to delay the transmission of any packet, posted or forwarded by the post, under the provisions of this warrant, either for the space of twenty-four hours after the time at which the same ought to be despatched in due course of the post, or (at his option) until the despatch of the Mail next after that by which the same ought, in due course of the post, to be forwarded by him.

4.—And we do further order and direct, that nothing hereinbefore contained shall be construed to interfere with or affect the transmission by the post of printed newspapers or other printed publications which are allowed to pass by the post under the newspaper privilege.

5.—And we do further order and direct, that if any packet sent or tendered or delivered in order to be sent by the post, under the provisions of this warrant, posted in the United Kingdom, addressed to the East Indies or New South Wales, or posted in the East Indies or New South Wales, addressed to the United Kingdom, shall exceed the weight of three pounds, or if any packet sent or tendered or delivered in order to be sent by the post, under the provisions of this warrant, between the United Kingdom, and the several places mentioned and set forth in the said Schedule B. shall in length, or breadth or width, exceed the dimensions of two feet, or if the postage of any such packet, posted in any of the colonies respectively mentioned in the said Schedule B. to this warrant annexed, shall not be duly and properly paid when posted, or if any packet, the cover or envelope of any packet sent or tendered or delivered in order to be sent by the post, under the provisions of this warrant, shall not be open at the ends or sides, or if there shall be any letter or any communication in the nature of a letter, written or printed on any such cover or envelope, every such respective packet shall and may be detained and opened, and at the option of the Post Master General, shall be either returned or given up to the sender thereof, or be given up to the person to whom it shall be addressed, or be forwarded to the place of its destination; and every such packet, on being so returned, given up, or forwarded, shall be chargeble with a postage of double the amount of postage to which it would have been liable as a letter if the postage had been paid when posted, and such double postage may be either paid by the sender, or be charged to the person to whom such packet shall be forwarded.

6.—And we do further order and direct, that if any packet sent or tendered or delivered in order to be sent by the post, under the provisions of this warrant between the United Kingdom and the several places mentioned and set forth in the said Schedule B. shall contain any letter, whether closed or open, or any enclosure, sealed or otherwise closed against inspection, every such letter or enclosure may be taken out by any Officer of the Post Office, and forwarded to the address on the packet, charged not only with the full rates of postage, on an unpaid letter, but also with a further and additional rate equal in amount to the single rate of postage which would be chargeable under the said Schedule on a packet not exceeding half a pound in weight, and the remainder of the packet, if the postage be duly paid when posted, may be forwarded to the place of its address without any extra charge.

7.—And we do further order and direct, that if any packet sent or tendered or delivered in order to be sent by the post, under the provisions of this warrant, respectively, between the United Kingdom and the several places mentioned and set forth

in the said Schedule B. (any such packet sent from any department or office in or connected with the public service of Her Majesty, which shall keep a postage account with the General Post Office in London, and the postage thereof being charged in such account, only excepted) shall be posted in the United Kingdom, having thereon, or affixed thereto, a stamp or stamps, the value of which shall be less in amount than the rate of postage to which such packet would be liable under, and by virtue of the several regulations, orders, directions, and conditions hereinbefore contained, but equal in amount to the single rate of postage which would be chargeable under the said Schedule, if such packet did not exceed half a pound in weight, every such last-mentioned packet shall be forwarded, charged with the amount of the difference between the value of such stamp or stamps so being thereon or affixed thereto, and the postage to which such packet would be liable as aforesaid, together with a further and additional rate of postage, equal in amount to the single rate of postage which would be chargeable under the said Schedule on a packet not exceeding half a pound in weight; but if any such packet shall be posted in the United Kingdom, without having thereon, or affixed thereto, any postage stamp, or having thereon, or affixed thereto, a postage stamp or stamps, the value of which shall be less in amount than the single rate of postage chargeable under the said Schedule, every such last-mentioned packet shall and may be detained and opened at any place in the United Kingdom, and, at the option of the Post Master General, shall be dealt with and chargeable in like manner as is hereinbefore directed with respect to any packet not open at the ends or sides, or exceeding in length, or breadth, or width, the dimensions of two feet.

8.—And we do further order and direct, that nothing herein contained shall be construed to extend to any packets sent through France, or any other foreign country, to which a transit rate of postage would be payable thereon.

9.—And we do further order and direct, that the Post Master General shall and may have and exercise the option of sending any packets hereby authorized to be sent by the post under the provisions aforesaid, either by packet boat, or by private ship, at the same rate of postage as by packet boat, when and as he shall think fit.

10.—And we do further order and direct, that the term "by the post" used in this warrant, or in any Schedule hereto annexed, shall as to the sea conveyance, include the conveyance by any British or Colonial Packet Boat; and also by private ship, when sent by the Post Master General, in accordance with the provision last hereinbefore contained, and the option therein given to the Post Master General; and that the term "East Indies" used in this warrant, or in any Schedule hereto annexed, shall be construed to mean every port or place in Asia within the limits of the Charter of the East India Company, (China, Hong-Kong, Ceylon, the Mauritius, Java, Borneo and Australia excepted;) and that the several other terms and expressions used in this warrant, or in any Schedule hereto annexed, shall be construed to have the like meaning in all respects as they would have had if inserted in the said Act, passed in the fourth year of the reign of Her present Majesty.

11.—And we do further order and direct, that the Commissioners for the time being of Her Majesty's Treasury may, by warrant under their hand, or the hands of any two of them, at any time hereafter, alter, repeal, or revoke, any of the rates of postage hereby fixed or altered, or any of the orders, directions, regulations, and conditions herein made, and may make and establish any new or other rates, orders, directions, regulations and conditions in lieu thereof, and from time to time appoint at what time the rates which may be payable are to be paid.

12.—And we do further order and direct, that this warrant shall come into operation on the first day of March next.

SCHEDULE TO WHICH THE ABOVE WARRANT REFERS.

SCHEDULE A.

Treasury Warrants, and parts of Treasury Warrants, containing Orders, Directions, Regulations, Conditions, and Rates of Postage, repealed and revoked.

DATE OF WARRANT.	EXTENT OF REPEAL.
19th December 1850, -- -- --	The whole.
2nd June 1851, -- -- -- --	Ditto.
11th August 1851, -- -- --	Ditto.
30th January 1852, -- -- --	Ditto.
6th February 1852, -- -- --	Ditto.
24th April 1852, -- -- --	Ditto.
6th May 1852, -- -- --	Ditto.
18th January 1853, -- -- --	Ditto.
24th January 1853, -- -- --	Ditto.
9th March 1853, -- -- --	Ditto.
12th July 1853, -- -- --	Ditto.
25th July 1853, -- -- --	Ditto.
17th September 1853, -- -- --	Ditto.
5th November 1853, -- -- --	So much thereof, and of the orders, directions, regulations, and conditions therein contained, as relate to the transmission by post of printed books, printed magazines, printed reviews, and printed pamphlets, and the rates of postage chargeable thereon.
31st December 1853, -- -- --	The whole.
15th March 1854, -- -- --	So much thereof, and of the rates of postage, orders, directions, regulations, and conditions therein contained, as relate to the transmission by the post of printed publications of votes or proceedings of the Imperial Parliament or the Colonial Legislatures.
21st March 1854, -- -- --	So much thereof, and of the rates of postage, orders, directions, regulations, and conditions therein contained, as relate to the transmission by the post of printed publications of votes or proceedings of the Imperial Parliament or the Colonial Legislatures.
13th April 1854, -- -- --	The whole.
21st June 1854, -- -- --	So much thereof, and of the rates of postage, orders, directions, regulations, and conditions therein contained, as relate to the transmission by the post of printed votes and proceedings of the Imperial Parliament or the Colonial Legislatures.
1st July 1854, -- -- -- --	So much thereof, and of the rates of postage, orders, directions, regulations, and conditions therein contained, as relate to the transmission by the post of printed votes and proceedings of the Imperial Parliament or the Colonial Legislatures.

Date of Warrant.	Extent of Repeal.
28th September 1854, -- -- --	So much thereof, and of the rates of postage, orders, directions, regulations, and conditions therein contained, as relate to the transmission by the post, between the United Kingdom and New South Wales, of printed votes and proceedings of the Imperial Parliament or the Colonial Legislatures.

SCHEDULE B.

Places between any part of which, and any part of the United Kingdom, packets consisting of books and publications, or works of literature or art, whether British, Colonial, or Foreign, and printed publications of votes or proceedings of the Imperial Parliament or the Colonial Legislatures, may be transmitted by the post, and the single rates of postage chargeable and payable for the transmission thereof, under the regulations and conditions mentioned and prescribed in the foregoing Treasury Warrant; and also the routes by which they may be transmitted, respectively, between the United Kingdom and certain of the said places, or to, or from, the said United Kingdom from, or to, certain of the said places.

Canada, -- -- -- -- -- -- --	Six pence.	
Prince Edward Island, -- -- -- --	-- Ditto.	
Bermuda, -- -- -- -- -- -- --	-- Ditto.	
St. Helena, -- -- -- -- -- -- --	-- Ditto.	
The Gold Coast in Africa, -- -- -- --	-- Ditto.	
Antigua, -- -- -- -- -- -- --	-- Ditto.	
Grenada, -- -- -- -- -- -- --	-- Ditto.	
Berbice, -- -- -- -- -- -- --	-- Ditto.	
Demerara, -- -- -- -- -- -- --	-- Ditto.	
Trinidad, -- -- -- -- -- -- --	-- Ditto.	
Carriacon, -- -- -- -- -- -- --	-- Ditto.	
Tobago, -- -- -- -- -- -- --	-- Ditto.	
Montserrat, -- -- -- -- -- --	-- Ditto.	
Nevis, -- -- -- -- -- -- -- --	-- Ditto.	
Tortola, -- -- -- -- -- -- --	-- Ditto.	
Dominica, -- -- -- -- -- -- --	-- Ditto.	
St. Kitts, -- -- -- -- -- --	-- Ditto.	
St. Lucia, -- -- -- -- -- -- --	-- Ditto.	
St. Vincent, -- -- -- -- -- --	-- Ditto.	
Jamaica, -- -- -- -- -- -- --	-- Ditto.	
Bahamas, -- -- -- -- -- -- --	-- Ditto.	
Honduras, -- -- -- -- -- -- --	-- Ditto.	
Malta, -- -- -- -- -- -- --	-- Ditto.	
Gibralter, -- -- -- -- -- --	-- Ditto.	
Ionian Islands, -- -- -- -- --	-- Ditto.	
East Indies, -- -- -- -- -- --	Eight pence.	Direct by Packet Boat, or through Egypt, so long as no transit rate of postage be payable thereon.
Ceylon, -- -- -- -- -- -- --	-- Ditto.	
Mauritius, -- -- -- -- -- --	-- Ditto.	
Hong Kong, -- -- -- -- -- --	-- Ditto.	
Nova Scotia, -- -- -- -- -- --	Six pence.	
New Brunswick, -- -- -- -- --	-- Ditto.	

Newfoundland, -- -- -- -- -- -- --	--Six pence.
Barbadoes, -- -- -- -- -- -- --	-- Ditto.
New Zealand, -- -- -- -- -- -- --	-- Ditto.
New South Wales, -- -- -- -- -- --	-- Ditto.
South Australia, -- -- -- -- -- --	-- Ditto.
Cape Town, Cape of Good Hope, -- --	-- Ditto.
Island of Heligoland, -- -- -- -- --	-- Ditto. { Direct, or viâ the territory of Hamburgh.

(Signed) ALFRED HERVEY.
" W. E. GLADSTONE.

Whitehall, Treasury Chambers, the Twenty-third day of January, One Thousand Eight Hundred and Fifty-five.

No. 2052.—*Notification.—General Department,—Agra, the 22nd May* 1855.

THE following Notification, No. 598, issued by the Government of India, in the Home Department, under date the 4th instant, is re-published for general information:—

No. 598.—*Notification.—Fort William,—Home Department, the 4th May* 1855.

The following rules for regulating the practice of the Electric Telegraph of India have been passed by the Hon'ble the President in Council, in addition to, and modification of, those passed by the Government of India on the 5th January last:—

1.—Messages of 16 words and under, including the name of the sender, the name of the person addressed, the date (if inserted,) and the names of the places of dispatch and destination (unless they be also the names of Telegraph Stations,) will be sent a single distance along the line for one rupee.

2.—Messages, as above, exceeding 16 words, but not exceeding 24 words, will be sent a single distance along the line for one rupee and eight annas.

3.—Messages, as above, exceeding 24 words, but not exceeding 32 words, will be sent a single distance along the line for two rupees.

4.—And for every additional 16 words, or fraction thereof, above 32 words, there shall be charged, for a single distance, an additional rupee.

5.—A single distance is commonly any distance not exceeding 400 miles; and for every additional single distance, above 400 miles, there will be made an additional charge equal to the charge made on the same message for a single distance.

6.—A single distance from Calcutta will include Benares, Mirzapore, and all intermediate Stations.

7.—Six distances from Calcutta will include Madras.

8.—Only half price will be charged for the repetition of mercantile and other important messages.

9.—No charge is made for stops, or for prepositions, or such words as "and Co.," "Mr." and "Mrs." occurring in the address of a message.

10.—The name of the sender, of the person addressed, and of the place of address, must be written on the face of every message. The date may be written or not at the option of the sender.

No. 2191.—*Notification.—General Department,—Agra, the 5th June* 1855.

THE following Notification, issued by the Government of India, in the Home Department, under date the 4th ultimo, No. 605, is re-published for general information:—

No. 605.—The Hon'ble the President in Council is pleased to direct the following addition to be made to List No. II., published under date the 29th September last, of parties authorized to send by Post, without actual payment of postage, all letters, packets or parcels, *bonâ fide* and exclusively on the Public Service :—

LIST No. II.

The Head Assistants or Clerks of the following Officers ; viz.

Commissioners of Revenue. Commissioners of Customs. Judges. Collectors. Deputy Commissioners. Inspectors of Jails. Inspectors of Schools. Post Masters General. Commissary General. Superintending Engineers. Residents. Political Agents.	To the Officers to whom they are immediately subordinate, that is to say, each to the Head of the office to which he belongs.

No. 967 A.—*Notification.—Head-Quarters,—General Deparment, the 7th June* 1855.

THE Hon'ble the Lieutenant-Governor is pleased to direct, that, for all purchases of Government School Books, from the Central Depository under the charge of the Curator at Agra, or from other Book Depôts established by the Government, credit shall not be allowed for a longer period than one month.

No. 1028 A.—*Notification.—Head-Quarters,—General Department, the 14th June* 1855.

THE following Notification, issued by the Government of India, in the Home Department, No. 698, dated the 25th May 1855, is re-published for general information :—

No. 698.—*Notification.—Fort William,—Home Department, the 25th May* 1855.

The Hon'ble the President in Council has been pleased, under the authority vested in him by Section XXV. of Act No. XVII. of 1854, to direct that on every newspaper, pamphlet, or other printed or engraved paper, not imported, and not exceeding four tolahs in weight, the postage shall be one anna.

In all other respects the postage on newspapers, pamphlets, or other printed or engraved papers, will continue the same as prescribed by the orders of the Government of India, in this Department, dated the 16th October last, and published in the *Calcutta Gazette* of the 18th idem.

No. 2280.—*Notification.—General Deparment,—Agra, the* 13*th June* 1855.

THE following Notification, issued by the Government of India, in the Home Department, No. 678, dated the 25th May, is re-published for general information:—

No. 678.—The Hon'ble the President in Council is pleased to direct the following additions to be made to Lists Nos. I. and II., published under date the 29th September last, of parties authorised to send by post, without actual payment of postage, all letters, packets or parcels, *bonâ fide* and exclusively on the Public Service:—

LIST No. I.

Inspectors of Schools.

LIST No. II.

Sub-Inspectors of Schools. To their official superiors.

No. 1109 A.—*Notification.—Financial Department,—Head-Quarters, the* 23*rd June* 1855.

THE following amended Rules for Leave of Absence, and the regulation of Deputation Allowances, promulgated by the Honorable the President in Council, in the Financial Department, under date the 8th instant, are re-published for general information:—

Fort William,—Financial Department, the 8*th June* 1855.

The following rules for the grant of Leave of Absence for regulating deductions from Salaries and Deputation Allowances, and for limiting the period of Service of Civil Servants, are published for general information, and will take effect in all the Presidencies and settlements under the Government of India, from the date of the publication of this Notification, in supercession of the Rules of the 17th May 1843, and the 25th August 1854.

CHAPTER I.

RULES FOR APPLICATION FOR LEAVE OF ABSENCE.

Section I.—No Leave of Absence from any Office or Station can be granted, but by the Government under which the employment is held, and on the application of the party requiring such leave, saving in such cases as may hereafter be specially excepted. The application must be made publicly through the regular channel in the Department to which the applicant may belong.

NOTE.—This Rule must be considered as superseding the Rule under which Commissioners of the Land Revenue and other Officers have heretofore been allowed to grant Leave of Absence in Bengal.

Section II.—The official allowances of the holder of a Civil Office quitting his Station without leave will entirely cease from the date of his quitting until his return, or, in the event of his subsequently obtaining leave, to the date of such leave being granted to him.

Section III.—No Leave of Absence shall have any retrospective effect, except in cases of severe illness, to be attested by Medical Certificate, conforming in every respect to the directions contained in Section V.

CHAPTER II.

Rules for Sick Leave.

Section IV.—Upon application duly made, the Government may grant Leave of Absence on Medical Certificate to any Civil Servant, to any place in India, in Europe or elsewhere, as he may consider most conducive to the restoration of his health, without any restrictions whatever as to the places to which he may resort.

Section V.—When an application for Leave of Absence is made on the ground of ill-health, it must be accompanied by a Certificate and a statement of the case from the Medical Officer by whom the applicant has been attended, distinctly stating, from personal observation, the nature of the disease, the symptoms by which it is manifested, the period during which it has existed, as far as the knowledge of the Medical Officer extends, and the necessity for temporary removal to some other place in India, or in Europe, or elsewhere, as laid down in Section IV.; and in case of the applicant visiting the Presidency preparatory to obtaining leave, the Certificate must be counter-signed by the Members of the Medical Board, on their being satisfied, on a perusal of the Medical Attendant's statement of the case, that the leave applied for is absolutely necessary towards his recovery. Should the applicant's Medical Attendant be of opinion that he ought to proceed to a Sanatarium, or other place, without visiting the Presidency, the Certificate must, in the first instance, be counter-signed by the Superintending Surgeon of the Division in which the applicant may be located, and afterwards submitted with the statement of the case for the consideration and counter-signature of the Members of the Medical Board.

The Certificate shall be given in the following form :—

I, A. B, Surgeon at or of do hereby certify that E. F. of the Civil Service, is in a bad state of health, and I solemnly and sincerely declare that, according to the best of my judgment, a change of air is essentially necessary to his recovery, and do therefore recommend that he may be permitted to proceed to Sea, (or to such place as the Surgeon may think proper, expressing it in the Certificate.)

The following form shall be observed by the Members of the Medical Board or the Superintending Surgeon, in counter-signing the Surgeon's Certificate :—

We (or I) do hereby certify, that, according to the best of our (or my) professional judgment, after careful personal examination of his case, we (or I) consider the state of health of E. F. to be such as to render Leave of Absence for a period of
absolutely necessary (or highly desirable) for his recovery.

An application for extension of leave must, if the applicant be in India, be accompanied by a Certificate to a like effect from the Medical Officer by whom the applicant is attended, together with a statement showing sufficient reason for the extension solicited; and such Certificate must be counter-signed by the Members of the Medical Board, or by the Superintending Surgeon of the Division in which the applicant may be located, as the case may be, on perusal of the statement. In like manner, if the applicant shall have proceeded beyond the Territories under the Government of the East India Company, he must furnish a Certificate and Statement to the required effect from a Surgeon or Physician at the place of his temporary residence by whom he has been attended, such attendance, and the period of it, to be stated, and the Certificate to be counter-signed by the Examining Physician of the East India Company if the applicant is in England, or if not in England, by the principal Medical authority of the Colony or Country to which the Absentee may have proceeded, or some sufficient reason stated for the want of such counter-signature if the Certificate be not so counter-signed. The Medical Board or Superintending Surgeon, before counter-signing a Certificate as above-mentioned, must either personally examine the applicant, or state some sufficient reason why they, or he, have, or hath been, unable to do so. When any of the required particulars are neglected, leave will be refused.

Section VI.—The following conditions will, in future, attach to Leaves of Absence granted to Civil Servants who may be declared, by a sufficient Medical Certificate, to require such leave for the recovery of their health:—

1*st.*—The total period of absence, with the privileges hereinafter provided, shall not (save as specially excepted in Clause 5 of this Section and in Section VII. of these Rules) exceed eighteen months in the whole, nor shall it exceed fifteen months on any one occasion.

2*ndly.*—The office of the absentee will be considered to be vacated if he shall be absent beyond eighteen months altogether, or beyond fifteen months at any one time, unless he shall obtain leave under Clause 5 of this Section, such absence to be computed, if he shall proceed to a Sanatarium within the Presidency, from the date of his arrival thereat to the date of his quitting the Sanatarium; if to any place beyond the Presidency, but within the Continent of India, from the date of his leaving the frontier of his own Presidency to the date of his return thereto; and if he shall proceed to Sea, from the date of the sailing of the Vessel on which he may have embarked from any Port in India which is not more distant from his Station than the Ports of his own Presidency, to the date of his arrival at any Port within the Presidency to which he belongs, or at any other Port which is not more distant from his Station than the Ports of his own Presidency.

3*rdly.*—The absentee will be entitled to draw a moiety of his salary, and the same will be paid to him during such period of absence, provided that he shall in no case draw a larger sum than Rupees 10,000 (£ 1,000) per annum, during that period. In cases in which the emolument of the absentee's office does not exceed Rupees 5,000 per annum, no deduction therefrom shall be made for the period of eighteen months, nor shall such a deduction be made in other cases as shall reduce the allowance below Rupees 5,000 (£ 500) per annum. In cases in which the salary of the absentee may not be of that amount, the full salary will be granted.

4*thly.*—For the interval elapsing between departure from Station to the commencement of reckoning absence, or between the end of reckoning absence and re-arrival at Station, the absentee will be allowed a special leave for an additional period of one month, two months, or three months, according to the distance to be travelled, as prescribed in Section XX. of these Rules, and during this additional period the absentee will be entitled to draw the same salary as is allowed by Clause 3 of this Section.

5*thly.*—If the absentee shall apply under Medical Certificate, to remain absent for a longer period than eighteen months, or fifteen months at any one time, and it shall appear to the Hon'ble the Court of Directors to be absolutely necessary after examination by their Medical Officer in England, that he should do so, the leave which may have been granted in India will, under the orders of the Honorable Court, be extended to the limit of two years, with permission to retain Office, and half salary within the limits enjoined, during such extension.

6*thly.*—If the absentee be compelled by the state of his health, under due Medical Certificate, to remain absent for a longer period than eighteen months, or fifteen months at any one time, or beyond two years in the case of an extension under Clause 4, he will, as before stated, vacate his appointment, but he will be permitted to receive an allowance at the rate of £ 500 per annum if above ten years standing at the time when the leave was granted, or of £ 250 if not above ten years standing at the time when the leave was granted, for such further period of absence as shall not exceed the entire term of three years in the whole. At the expiration of that term, all allowance must cease until he reports his return to his Presidency.

Section VII.—If a Civil Servant of more than fifteen years' service, after having been absent on Sick Leave for eighteen months in the whole, or for fifteen months at one time, at whatever period of his service such Sick Leave shall have been taken, shall be again compelled by the same cause to apply for Leave of Absence, the Government

of India and the subordinate Governments may, on special grounds, grant Leave of Absence for one further period not exceeding six months during which the absentee may retain his office, and half his salary under the limits above enjoined.

Section VIII.—If a Civil Servant, after fifteen years' service, shall be compelled by ill-health to apply for further Leave of Absence, he may be permitted on special grounds to obtain it, but his absence will involve the loss of office and salary; the Government of India and the subordinate Governments will, however, respectively, exercise a discretionary power to grant, in such last-mentioned cases, a sick absentee allowance, not exceeding Rupees 5,000 or £ 500 per annum, for a further period not exceeding twelve months.

Section IX.—A Civil Servant who has taken Sick Leave under the Rules of the 17th May 1843, will not be debarred by that circumstance from taking such leave again under the above Rules with the privilege of retaining Office, provided the leave be not granted till three years have expired after his return from his leave under the Rules of the 17th May 1843.

Section X.—None of the above-mentioned Rules will be applicable to Members of Council. Each Member may, however, with the special sanction of the Government, be permitted to be absent, under Medical Certificate, for a period not exceeding six months, retaining his office, and receiving half his salary, which shall be paid to him during such absence; but if his absence shall exceed six months, his office will be vacated.

Section XI.—Civil Servants who may desire to draw their allowances while absent on account of sickness under the above Rules, will be required to give security in such amount and form as may be fixed by the Government for the refund of any excess that may be drawn either by the Agents at the Presidency or by themselves in case of their coming under retrenchment.

CHAPTER III.

Rules for Short Leave on Private Affairs.

Section XII.—The Government may grant to Civil Servants Leave of Absence to any place in India, Europe or elsewhere, without any restrictions whatever as to the place to which they may resort, for one month in each year, without deduction from the salaries and emoluments drawn by such Servants;—such leave, however, will only be granted when the Government is satisfied that no inconvenience will arise from the departure of the Officer seeking it. No second leave can be granted under this Rule until the completion of eleven months from the expiration of the last leave; but Servants not availing themselves of the indulgence in any one year, may obtain, under the like conditions, Leave of Absence for two successive months, to commence at or after the expiration of twenty-two months from the termination of their former leave; and if two years elapse without enjoyment of the privilege, leave for three months may, in like manner, be granted at the expiration of thirty-three months from the termination of the last preceding leave; but no leave shall be granted under this Rule for any period exceeding three months. If an Officer shall not return at the expiration of the period of leave granted him under this Rule, he shall forfeit all pay and allowances during the time of his remaining so absent without leave; and if he shall so continue absent for more than one month beyond the term granted, his office shall become vacant.

Civil Servants absent from their Stations under Medical Certificate cannot be admitted to leave under this Rule in continuation of their Sick Leave; and if, while absent under this Rule, they be granted extended leave under Medical Certificate, they shall be considered liable to the Rules applicable to Leave of Absence on Medical Certificate for the whole period of their absence.

Civil Servants who have been absent on Medical Certificate during any portion of a calendar year, are not entitled to leave under this Rule during that year; but in determining the interval necessary to entitle a person to leave under this Rule, no

reference will be made to any intermediate Leave of Absence that may have been granted under Section XIV. *Clause I.*

Section XIII.—As a general Rule, when leave is granted under Section XII., such leave will be in one period only, whether for a whole month or less, and not in detached portions to complete one month within the year, and the term "year" shall be held to mean the calendar year commencing with the 1st of January, and ending with the 31st of December; but as an exception to this Rule, it shall be discretional with the several Local Governments, where good cause is shown for the indulgence, and it is attended with no public inconvenience, to sanction Leave of Absence under this Rule to such parties as may not have occasion to apply for the whole at once, in instalments, not to exceed in the aggregate one month within the calendar year, on the understanding that no leave can be granted for any fresh calendar year until the completion of three months from the expiration of the entire leave, or of the last instalment of leave taken in the past calendar year.

Section XIV.—Clause I.—The Government may, on sufficient cause being shown, grant to a Civil Servant special Leave of Absence on Private Affairs for six months to any place in India, Europe or elsewhere, without any restrictions whatever as to the places to which he may resort, provided, however, that if any Officer to whom such leave shall be granted shall be absent from his Station for any period exceeding that to which he may be entitled without deduction, under Section XII., the absentee shall, for the period in excess, draw no more than one-half of his salary and allowances. After an absence of six months (exclusive of any period which may be granted under Section XII.) any Office held by the absentee shall become vacant.

Clause II.—The Leave granted under this Section will be computed from the date of the absentee's quitting his Station to the date of his return thereto, and a second leave of the same description cannot be taken till the expiration of six years from the date of return to duty from a former leave. No portion of the half salary allowed to be drawn will be claimable till the absentee shall have returned to his duty.

Clause III.—It will be understood that leave under this Section is not to be granted as a matter of course to every applicant, but that it will be the duty of the Government to consider and determine whether the grounds of the application are sufficiently urgent to justify the concession of the leave.

CHAPTER IV.

Furloughs on Private Affairs.

Section XV.—In the place of the period of three years (in one term,) for which Furlough has hitherto been granted, Civil Servants will be allowed the option of taking a Furlough of three years as at present, or of dividing the Furlough into three periods of one year each, to be taken after successive periods of seven years' service, or into two periods, which may either be of one or two years respectively, or of eighteen months each, provided that, in every case, the Civil Servant shall declare, on taking his Furlough, whether he intends it to be for twelve, eighteen, twenty-four or thirty-six months, in order that the Government may make its arrangements accordingly. In case of a division into two periods, the first Furlough must be taken after a residence of not less than ten years, and the second Furlough after a further residence in India of ten years from the date of return from the first Furlough; but Civil Servants returning on Furlough to Europe will continue, as at present, to vacate their offices.

Section XVI.—The Furlough Allowance granted during the periods mentioned in the last Section will be at the rate of £ 500 per annum, and the receipt of it will not, on any grounds whatever, be permitted for any longer period than three years.

Section XVII.—Civil Servants who may have been compelled by sickness to quit their duty under Medical Certificate, before completing seven years' residence in India,

will be entitled to receive during their Furlough on Private Affairs, taken subsequently to their completion of that period of residence, the ordinary Furlough Allowance of £ 500 per annum, for three years.

Section XVIII.—Clause I.—In applying the foregoing Rules in substitution of those before existing, periods of absence to the limit of three years, will count as service in India in the twenty-five years entitling to the annuity, the present qualification of twenty-two years' residence being retained.

Clause II.—Absence on Medical Certificate to the extent of one year will reckon as Service and residence in India, and be so computed in addition to the three years of absence which, under the Clause next preceding, are allowed to be reckoned as Indian Service. All periods of short leave of Absence on Private Affairs taken under Sections XII. and XIV. of these Rules will also count as service and residence.

Section XIX.—Military Officers employed in the Civil Department will be subject to the Rules laid down in General Orders No. 1150, dated 17th November 1854, for the grant of Leave of Absence and Furlough to Officers holding Military Staff Appointments.

CHAPTER V.

Rules for joining Stations.

Section XX.—There shall be allowed to Officers appointed to any new Office the periods of one month, two months, or three months for joining, accordingly as the distance may not exceed 300 or 600 miles, or be in excess of the last-mentioned distance. Officers not joining their station within the said periods, respectively, shall forfeit their salary for the time delayed in excess of the above periods, and if such excess shall exceed one month, the office shall be vacated, unless otherwise specially ordered by Government.

Note.—The time allowed for joining is computed from the date of the Order reaching the Officer appointed.

Section XXI.—Upon the first appointment of any Civil Servant, who shall be reported qualified for Public Service by the Examiners appointed by the Government, to any Civil Station, there shall be allowed for travelling expenses to the Station, an allowance at the rate of 8 annas per mile by the direct Post Road, according to the Polymetrical Tables of the Post Office, the Bill for which allowance will be passed by the Civil Auditor after the Officer shall have joined the Station: if required in advance, an order of the Government shall be necessary.

Section XXII.—The salary of office will be payable from the date only of the Officer joining, but in case of Junior Civil Servants, the salary of Assistants will be payable from the date of their being reported qualified for the Public Service, unless forfeited under the preceding Rule, through delay in joining the Station to which they may be appointed.

Section XXIII.—In case of a change of office, when an Officer is appointed to a higher situation, he shall not draw the higher salary until he joins. For the period occupied in travelling, the Rule No. XX., regulating the time and distance for joining Station, shall be applicable, and the Officer will, for the periods allowed in that Rule respectively, draw out of the salary of the office he is about to join, a sum equal to that of his previous situation.

CHAPTER VI.

Rules for Deputation Allowances.

Section XXIV.—The sum of Company's Rupees 52,200 per annum having been fixed, under the orders of the Court of Directors, as the maximum salary of Civil Office for the offices of Government under the situation of Member of Council, Civil Servants who may draw larger allowances than this annual sum, as a consolidated personal and sumptuary allowance, in consideration of

Note.—This Rule will equally apply in case of a Political Resident taking a leave of one, two, or three months, for which in other cases he would suffer no deduction. The excess above the maximum monthly salary will in that case be enjoyed by the person in charge.

the necessary expenses of their position, will, in all cases of absence, be treated in respect to deductions as drawing only the allowance thus limited, and the excess above the monthly salary yielded by that annual sum shall remain as a local addition to the usual Deputation Allowance to be drawn by the Officer performing the duties, to meet the necessary expenses of his position; provided however, that in the cases of Civil Servants appointed to offices of the description referred to subsequent to the 2nd June 1854, the sum of Rupees 50,000 shall be held to be the maximum salary, under the Government Resolution, No. 563, of that date.

Section XXV.—Deputation Allowances shall be granted to Civil Servants temporarily performing the duties of an office according to the following rates, and subject to the limitations and conditions hereinafter laid down:—

To Civil Servants not holding any substantive appointment, at the rate of 50 per cent. on the monthly salary of the appointment officiated in, such Deputation Allowance being in addition to the Subsistence Allowance of their respective ranks.

To Civil Servants holding an office of inferior emolument, when officiating in an office of superior emolument, at the rate of 20 per cent. upon the monthly salary of the appointment officiated in, in all cases in which the salary of such appointment shall not exceed Company's Rupees 2,000 per mensem, and in respect to all appointments of which the salary shall be more than Company's Rupees 2,000 per mensem, at the rate of 20 per cent. upon Company's Rupees 2,000, and of 10 cent. on the amount in which the monthly salary may exceed Company's Rupees 2,000, provided however that no lower rate of Deputatoin Allowance shall be given than Rupees 200 per mensem.

The Deputation Allowance shall in all cases be in addition to the salary of the substantive appointment held by the Officer on deputation.

The above rates are granted provisionally, subject to future revision.

In the Punjab, Nagpore and other places, where appointments are by classes, the amount of Deputation Allowances, payable at the above rates, will be calculated, not upon the salary of the individual Officer holding the substantive appointment in which the Officer deputed may be temporarily officiating, but on the average rate of salary attached to the particular *class* to which the appointment may belong.

A Civil Servant acting for another shall have no claim to Commission or Fees, where any such sources of emolument exist. These shall be regarded as forming part of the income of the Officer to be relieved, subject to the prescribed deductions.

A Civil Servant acting in an appointment, the salary of which is to be reduced on the retirement of the present incumbent, will draw Deputation Allowance on the reduced salary.

An Officer officiating in more than one appointment will be entitled to Deputation Allowance, regulated by the aggregate amount of the salary of the offices.

An Officer appointed permanently to a higher situation, but prevented from joining his appointment by an order of Government, and detained to officiate in a situation of still higher emolument than the one to which he has been permanently appointed, will be entitled to a Deputation Allowance in addition to the higher salary to which he has been promoted.

Section XXVI.—No Civil Servant, temporarily officiating for another, shall draw an amount larger than the entire emoluments of the office in which he is officiating, and if the amount of the Deputation Allowance, according to the prescribed scale added to the permanent emoluments of the officiating Servant, would exceed the emoluments of the office in which he is temporarily acting, the excess shall not be drawn. But this provision shall not apply to the case of any Officer deputed for special reasons to act in an office of inferior emolument to his own. In cases where an Officer holding two appointments, on being deputed to officiate for another, shall be relieved only from one, he shall receive no Deputation Allowance, unless the emoluments of the office in

which he is deputed to act exceed the united emoluments of his permanent appointments, and in that case the Deputation Allowance shall be limited to the difference.

Section XXVII.—No subordinate Officer acting for his principal, or for any other person holding a superior appointment in the same office or establishment, at the same Station, shall be entitled to any Deputation Allowance until after the expiration of one month, and then the allowance is not to be drawn in arrear. But a servant previously out of employment, or who may be deputed to act from a different Station, shall be entitled to Deputation Allowance from the date at which he may enter upon the discharge of the duties to which he has been temporarily appointed.

Section XXVIII.—Civil Servants, if deputed to act at a distance from the Stations where they are employed, or if ordered by Government on special duty, shall be permitted to draw Travelling Allowances at the rate sanctioned in the case of a first appointment.

CHAPTER VII.

Rules for Limiting the Period of Service.

Section XXIX.—After thirty-five years' service no Civil Servant shall be appointed to any new office, nor be permitted to retain an office which he has held for a period of five years and upwards, except in special cases, which are to be referred for the decision of the Hon'ble the Court of Directors. This Rule will be applicable to every Civil Servant appointed to office after its promulgation, and to the case of every other Civil Servant to whom it relates at the close of five years from the 25th August 1854.

CHAPTER VIII.

Rules for the grant of Leave of Absence to Law Officers.

Section XXX.—The East India Company's Law Officers may obtain Sick Leave and Short Leave on Private Affairs under the conditions prescribed in the case of Civil Servants, both as respects the periods of absence and the limitation of allowances during such absence. Leave will however only be granted at the convenience of the Government, and no additional expense will on any consideration be incurred by the Government on account thereof.

If any Law Officer shall quit his duty, save on leave under Medical Certificate or on Short Leave on Private Affairs, he will be considered to have vacated his appointment.

CHAPTER IX.

Rules for Chaplains and Assistant Chaplains.

Section XXXI.—Chaplains and Assistant Chaplains may take Furlough on Private Affairs and on Medical Certificate, also privilege leave, and leave for short periods on Private Affairs and on Medical Certificate, in or out of India, on the same terms and conditions as Military Officers, with the following modifications:—

1*st.*—Chaplains being allowed to retire after twenty years' service, the period of Furlough on Private Affairs is in their case limited to the present term of three years. The Furlough may however either be taken in one period, or be divided into two periods, whether of eighteen months each, or of two years and one year, respectively; and if divided, the first Furlough, may be taken, as at present, after seven years' residence, and the second Furlough after a further residence, of ten years in India. As respects Chaplains and Assistant Chaplains appointed before the 11th January 1854, when the period of Service was only eighteen years, their second Furlough, if they should exercise the option of taking Furlough in two periods, will be available after a second residence in India for a term of eight years.

2*ndly.*—No Furlough or Leave of Absence, whether on Private Affairs or on Sick Certificate, taken in Europe or elsewhere out of India, in excess of three years, will be

allowed to count as Service in India in the twenty years which qualifies Chaplains for their Retiring Pensions.

Section XXXII.—The Furlough Pay of Chaplains will remain as at present. With regard to their allowance during Sick Leave to any place out of India, they shall receive salary (but at a rate not exceeding £ 600 per annum) for the first six months of absence, and, for the remaining twelve months, an allowance equal to the Furlough Pay of their standing. If the leave be extended, an allowance equal to Furlough Pay may be drawn for a further period of eighteen months.

No. 1168 A.—*Read again the Proceedings of the undermentioned dates.—General Department,* 10*th March* 1855, *Nos.* 124 *A. to* 124 *E. and* 17*th March* 1855, *No.* 258.

No. 396.—Resolution regarding the education and employment of Native Assistants in the Engineer Department.

READ a letter from the Chief Engineer, North Western Provinces, No. 9474, dated 7th April 1855, forwarding, in conformity with the orders of the 10th and 17th March last, a report of the Committee appointed to enquire into the training, education, and more extensive and useful employment of the subordinate grades of Native Assistants serving in the Engineer's Department.

Resolution.—The Hon'ble the Lieutenant-Governor has carefully considered the report above noted, and believes that it furnishes suggestions which may lead to important improvements in the agency available for employment in the subordinate Department of Public Works, in all the provinces of the Bengal Presidency and in the Punjab.

2.—The recommendations, in regard to the course of education to be followed, with a view to preparing applicants for admission into both the 1st and 3rd Departments of the Thomason Civil Engineering College at Roorkee, will be intimated to the Director of Public Instruction and (through the Visitor) to the Principal of the College, in order that these Officers may communicate with each other, and arrange for giving effect to those recommendations as stated in paragraph 8 of the Report by issuing the directions that are required in their several departments. The new tests for admission into the two departments will be notified by the Principal, to have effect on the opening of the College after the next vacation.

3.—The question of the organization of Divisional Schools, as proposed in paragraphs 9 and 10 of the Report, in order to give a new special training for admission into the College, appears to the Lieutenant-Governor to be one well deserving of support, and recommendation to the Supreme Government. It may however be postponed with propriety until there has been some experience of the result of the arrangements to be at once adopted according to the above orders, in the Tehselee and Hulkabundee Schools.

4.—In respect to the employment of District and Divisional Engineers, on the footing proposed in paragraph 11 to the close of the report, the Lieutenant-Governor observes that local funds* exist in the North Western Provinces which would be sufficient to bear the charge necessary to carry out the proposals of the Committee as to the remuneration of these two grades of officers. There might, probably, be a more exactly suitable distribution of this charge between the Road and the Ferry Funds, than that which has been recommended by the Committee in paragraph 21. For the aid and advice of the higher, or Divisional Officers, would be very rarely required on account of works executed at the expense of the Road Funds in the interior of districts. This point need not, however, be determined. It seems desirable,

* *Note.*—There is an under-estimate of the amount of these funds in paragraph 26 of the Committee's Report. The Road and Ferry Fund together, under the Government North Western Provinces, are in excess of 7 lacs of rupees a year.

that, in the first instance, a copy of the report and extracts of the previous correspondence, which led to the appointment of the Committee, should be forwarded for the perusal and consideration of the Government of Bengal, and of the Chief Commissioner in the Punjab, in communication with the Chief Engineers in those Territories. The remarks and suggestions of all these authorities, on the principles and details of the scheme proposed by the Committee, should be awaited previously to a final re-examination of the subject, with a view to the ultimate submission of the plan which may be thought the most advantageous and practicable for the orders of the Government of India. It need be only remarked here, that the Divisional Engineers ought, it would appear, to be persons who could fitly be trusted with larger powers in the preparation of designs and estimates on their personal responsibility, than is contemplated under head 8 of paragraph 21 of the Report.

5.—The Lieutenant-Governor believes that it is intended to create a separate College of Civil Engineering in Bengal; should such an institution be founded, a modification will, of course, be necessary in the number of annual admissions to be provided for in the Thomason College at Roorkee.

6.—With respect to the suggestion that a third of the cost of the Divisional and District Officers on the proposed footing, should be borne by the State. The Lieutenant-Governor remarks, that in all the districts of these provinces, there are numerous buildings, such as tehseeldaries, police thanahs, serais, burdasht khanas, &c., which are State property, entirely under the charge of the Magistrates and Collectors. The services of the District Officers would undoubtedly be of great advantage in the construction and repair of such buildings, and a portion of their salaries might, on that account, be properly defrayed from the general funds of the Government. The higher or Divisional Officers would, it is believed, be soon able to relieve the over-worked Executive Officers of Divisions of many duties connected with ordinary civil buildings, such as cutcherries, circuit bungalows, &c., and part likewise of their remuneration might, therefore, in the views of the Lieutenant-Governor, be fairly admitted as a charge upon the State revenues.

Ordered, that a copy of the foregoing Resolution, together with printed copies of the Committee's Report, and extracts of the previous correspondence, be communicated to the Director Public Instruction, North Western Provinces, and to the Visitor of the Thomason Civil Engineering College, for the purpose indicated in paragraph 2.

Ordered, also, that a copy of the foregoing Resolution, together with four copies of the same printed documents, be forwarded to the Government of Bengal, and to the Chief Commissioner in the Punjab, for the purpose indicated in paragraph.

Ordered, further, that a copy of the foregoing Resolution be forwarded to the Chief Engineers, North Western Provinces, to be communicated to all the Members of the Committee, with the best acknowledgments and thanks of the Lieutenant-Governor for their practical and valuable report.

Head-Quarters, Nynee Tal, the 30th June 1855.

No. 1678 A.—*To Commissioner of the Agra Division.—General Department,—Dated Head-Quarters,—Nynee Tal, the 25th August* 1855.

It appearing that the Government of Bengal have adopted the practice of notifying in the *Gazette* the appointment of Native Doctors placed in charge of minor district Dispensaries, and this course being thought to be right and desirable, you are requested to submit the name of the Native Doctor lately appointed to the Etawah Dispensary, should the Magistrate and yourself deem him worthy of being posted to the charge in public orders.

NOTIFI

HEAD-

General Department,—

No. 1700 A.—The following Annual Return, shewing the number of Patients treated expenditure of each Dispensary, is

Annual Return of Government Dispensaries in the

Division.	Station.	Receipts. Balance in hand on the 1st of January 1854.			Government Allowance.			Private Subscriptions.			Total.		
		Rs.	As.	P.	Rs.	As.	P.	Rs.	As.	P.	Rs.	As.	P.
Dehlie,	Sirsa,	168	9	6	1,362	1	6	105	0	0	1,635	11	0
	Dehlie,	0	0	0	3,359	4	2	0	0	0	3,359	4	2
Meerut,	Dehra Dhoon,	645	5	6	388	0	3	0	0	0	1,033	5	9
	Seharunpore,	999	11	10	2,038	13	3	233	6	6	3,271	15	7
	Meerut,	4,117	11	5	0	0	0	700	0	0	4,817	11	5
	Allygurh,	8,384	15	7	3,171	6	3	937	9	3	12,493	15	1
Rohilcund,	Bijnore,	187	14	8	1,805	10	2	1,688	1	3	3,681	10	1
	Moradabad,	0	0	0	3,305	8	0	124	0	0	3,429	8	0
	Bareilly,	6,454	13	1	0	0	0	1,538	4	5	7,993	1	6
	Budaon,	183	14	1	858	7	8	388	11	2	1,431	0	11
	Shahjehanpore,	0	0	0	3,097	4	2	0	0	0	3,097	4	2
Agra,	Muttra,	0	0	0	3,155	6	10	218	1	3	3,373	8	1
	Agra,	0	0	0	5,370	7	10	0	0	0	5,370	7	10
	Furruckabad,	0	0	0	3,040	13	4	0	0	0	3,040	13	4
	Futtehgurh, branch of the Furruckabad Dispensary,	4,230	5	6	116	4	0	894	3	0	5,240	12	6
Allahabad,	Cawnpore,	0	0	0	2,957	15	6	722	6	9	3,680	6	3
	Banda,	0	0	0	1,361	9	7	907	11	11	2,269	5	6
	Allahabad,	0	0	0	3,909	9	2	0	0	0	3,909	9	2
Benares,	Mirzapore,	5	12	6	2,449	7	0	537	0	0	2,992	4	3
	Goruckpore,	326	6	5	2,442	8	6	0	0	0	2,768	14	11
	Benares,	1,216	0	4	4,909	7	4	0	0	0	6,125	7	8
	Ghazeepore,	277	5	0	2,428	14	5	170	0	0	2,876	3	5
Kumaon,	Almorah,	601	11	2	3,026	2	2	240	0	0	3,867	13	4
	Nynee Tal,	0	0	0	480	0	0	0	0	0	480	0	0
	Sreenuggur,	132	13	4	1,764	0	0	207	2	4	2,103	15	8
Ajmere,	Ajmere,	46	14	6	2,193	3	6	0	0	0	2,240	2	0
	Nyanuggur,	0	0	0	576	12	6	0	0	0	576	12	6
Saugor,	Jubbulpore,	140	14	2	2,710	8	4	0	0	0	2,851	6	6
	Saugor,	378	9	3	696	0	0	790	1	0	1,864	10	3
Nimar,	Khandwa, in Nimar,	0	0	0	509	6	1	0	0	0	509	6	1

CATION.

QUARTERS.

The 25*th August* 1855.

in the Dispensaries in the North Western Provinces, during 1854, together with the published for general information :—

North Western Provinces for the year 1854.

Disbursements.									Balance in hand on the 31st December 1854.			No. of Patients treated.			Remarks.
Establishment, House rent, &c.			Bazar Medicines.			Maintenance of In-door Patients.			Total.							In-door.	Out-door.	Total.	
Rs.	As.	P.	Rs.	As.	P.	Rs.	As.	P.	Rs.	As.	P.	Rs.	As.	P.					
1,233	11	6	146	0	5	65	8	3	1,445	4	2	190	6	10		250	2,307	2,557	
3,024	0	0	202	14	4	132	5	10	3,359	4	2	0	0	0		175	13,747	13,922	
500	14	5	0	0	0	18	1	0	518	15	5	514	6	4		16	685	701	
1,904	2	6	236	13	3	52	7	9	2,193	7	6	1,078	8	1		122	6,488	6,610	
4,113	8	5	41	6	0	0	0	0	4,154	14	5	662	13	0		59	1,048	1,107	
3,867	1	0	386	5	8	103	9	0	4,356	15	8	8,136	15	5		327	10,065	10,392	
2,143	6	7	76	6	5	52	3	2	2,271	0	4	1,410	9	9		93	1,749	1,842	
3,046	10	0	120	0	0	262	14	0	3,429	8	0	0	0	0		336	7,609	7,945	
1,321	9	6	411	11	7	113	12	3	1,847	1	4	6,146	0	2		167	20,557	20,724	
820	6	7	265	2	1	100	0	0	1,185	8	8	245	8	3		160	4,936	5,096	
2,907	7	3	54	12	2	135	0	9	3,097	4	2	0	0	0		296	6,623	6,919	
3,004	10	8	289	11	3	79	2	2	3,373	8	1	0	0	0		82	9,886	9,968	
3,971	6	9	361	2	7	1,037	14	6	5,370	7	10	0	0	0		521	7,490	8,011	
2,687	14	10	175	1	6	177	13	0	3,040	13	4	0	0	0		183	6,164	6,347	
473	12	0	53	8	2	54	3	0	581	7	2	4,659	5	4		156	3,169	3,325	
2,837	15	0	245	11	8	596	11	7	2,680	6	3	0	0	0		545	4,684	5,229	
1,314	0	0	20	2	4	27	7	3	1,361	9	7	907	11	11		59	287	346	
3,607	9	9	150	6	6	118	8	0	3,876	8	3	33	0	11		264	7,749	8,013	
2,148	7	9	508	10	3	291	9	6	2,948	11	6	48	8	9		255	10,596	10,851	
2,184	11	4	189	5	10	107	2	8	2,481	3	10	287	11	1		158	3,673	3,831	
4,523	5	6	630	0	8	388	11	8	5,342	1	10	783	5	10		263	46,134	46,397	
2,197	4	3	169	6	10	106	15	10	2,473	10	11	402	8	6		115	4,196	4,311	
0	0	0	No details given.						3,111	6	2	756	7	2	No details given.			1,366	
378	11	7							482	9	8	0	6	4				1,903	
962	11	2	0	0	0	188	5	7	1,151	0	9	952	14	11		87	2,169	2,256	
1,890	10	6	237	10	3	111	13	3	2,240	2	0	0	0	0		93	5,983	6,076	
504	0	0	47	13	0	24	15	6	576	12	6	0	0	0		70	2,584	2,654	
2,204	12	0	263	3	10	135	9	6	2,603	9	4	247	13	2		457	6,682	7,139	
1,030	2	8	0	0	0	821	8	11	1,851	11	7	12	14	8		200	2,294	2,494	
504	0	0	[illegible]	6	1	0	0	0	509	6	1	0	0	0		0	743	743	

SYNOPSIS.

Station.	Number of Patients treated during 1854.			Total Expense.			Average per head.		
	In-door.	Out-door.	Total.	Rs.	As.	P.	Rs.	As.	P.
Sirsa,	250	2,307	2,557	1,445	4	2	0	9	0
Dehlie,	175	13,747	13,922	3,359	4	2	0	3	10
Dehra Dhoon,	16	685	701	518	15	5	0	11	10
Seharunpore,	122	6,488	6,610	2,193	7	6	0	5	4
Meerut,	59	1,048	1,107	4,154	14	5	3	12	0
Allygurh,	327	10,065	10,392	4,356	15	8	0	6	8
Bijnore,	93	1,749	1,842	2,271	0	4	1	3	9
Moradabad,	336	7,609	7,945	3,429	8	0	0	6	10
Bareilly,	167	20,557	20,724	1,847	1	4	0	1	5
Budaon,	160	4,936	5,096	1,185	8	8	0	3	9
Shahjehanpore,	296	6,623	6,919	3,097	4	2	0	7	2
Muttra,	82	9,886	9,968	3,373	8	1	0	5	5
Agra,	521	7,490	8,011	5,370	7	10	0	10	9
Furruckabad,	183	6,164	6,347	3,040	13	4	0	7	8
Futtehgurh,	156	3,169	3,325	581	7	2	0	2	10
Cawnpore,	545	4,684	5,229	2,680	6	3	0	8	2
Banda,	59	287	346	1,361	9	7	3	14	11
Allahabad,	264	7,749	8,013	3,876	8	3	0	7	9
Mirzapore,	255	10,596	10,851	2,948	11	6	0	4	4
Goruckpore,	158	8,673	8,831	2,481	3	10	0	10	4
Benares,	263	46,134	46,397	5,342	1	10	0	1	10
Ghazeepore,	115	4,196	4,311	2,473	10	11	0	9	2
Almorah,	0	0	1,366	3,111	6	2	2	4	5
Nynee Tal,	0	0	1,903	482	9	8	0	4	0
Sreenugggur,	87	2,169	2,256	1,151	0	9	0	8	1
Ajmere,	93	5,983	6,076	2,240	2	0	0	5	10
Nyanuggur,	70	2,584	2,654	576	12	6	0	3	6
Jubbulpore,	457	6,682	7,139	2,603	9	4	0	5	10
Saugor,	200	2,294	2,494	1,851	11	7	0	11	11
Khandwa, in Nimar,	0	743	743	5[illegible]9	[illegible]	1	0	11	0

No. 2872.—*From the Officiating Under-Secretary to the Government of India, to the Secretary to Government, North Western Provinces.—Foreign Department,—Dated Fort William, the 10th August* 1855.

In compliance with the request contained in your letter dated 28th ultimo, No. 1419 A., I have the honor to forward herewith for the information of the Lieutenant-Governor, North Western Provinces, a copy of the documents marginally noted, relative to the grant of an allowance of Rs. 10 per mensem to Native Doctors in the Punjab, who are attached to Dispensaries under the direction of European Assistant Surgeons.

From Secretary to the Chief Commissioner, Punjab, dated 5th February 1855, No. 110.
To Chief Commissioner, dated 27th February 1855, No. 866.
To Medical Board, dated 27th February 1855, No. 868.

No. 110.—*From the Secretary to the Chief Commissioner for the Punjab, to the Secretary to Government of India.—Foreign Department,—Fort William,—Dated Lahore, the 5th February* 1855.

By the Government letter No. 3451, of the 5th August 1853, (sanctioning the general scheme of Dispensaries for the Punjab,) in paragraph 3, it was decided to "grant to Sub-Assistant Surgeons when in charge of Dispensaries, an allowance of Rs. 20 per mensem, and to Native Doctors, one of Rs. 10, on the understanding that both allowances be not drawn by both classes of Officers at one Dispensary at the same time." Regarding the payment of these allowances to Native Doctors, as above described, a further question has arisen, which I am directed to submit for orders as follows:—

2nd.—In the scheme as submitted by my predecessor's letter No. 370, of the 9th June 1853, paragraph 7, it was contemplated that the Jail Native Doctor should perform such duties at the Dispensaries as might be required from that class of Officers. Accordingly some of these Native Doctors have done duty at the Dispensaries, and the allowance of Rs. 10 has been drawn for on their behalf. But the Civil Auditor has usually refused to pass the charge; and on a further reference being made from this office, he has obtained an opinion from the Medical Board also unfavorable to the claim.

3rd.—Now it seems clear from the Government order above cited, that on account of Dispensaries superintended by Sub-Assistant Surgeons, no Native Doctor can draw the Rs. 10 allowance. Nor indeed, under the circumstances, are the services of a Native Doctor wanted. The Sub-Assistant Surgeon prepares the prescriptions and gives his orders, and these are carried out by the Dresser and Compounder which form part of the authorized establishment. But the Sub-Assistant Surgeon, who usually lives close on the spot, is expected to see things done, and to supervise even matters of executive detail. The Jail Native Doctor therefore need do no work and receive no allowance.

4th.—But where the Medical Officer in charge of the Dispensary is an European Assistant Surgeon, the case is different. There the Chief Commissioner believes the services of a Native Doctor are needed. The Assistant Surgeon cannot give the same care to the Dispensary as a Sub-Assistant Surgeon. The former would live at some distance, and he would have other Military duties in addition to his Civil charge. When he has visited the Dispensary, it is desirable that there should be some official, such as a Native Doctor, to see that the establishment carry out their orders duly, and that the patients are properly attended to. In these cases, therefore, the Chief Commissioner would recommend that the Jail Native Doctor should be employed, and receive the allowance of Rs. 10 per mensem for his attendance, although there does not appear any thing in existing orders to prevent his receiving the allowance, yet it is probable that without some further orders of Government the Civil Auditor will not pass

the charge. In fine, the Chief Commissioner recommends that Jail Native Doctors be not employed in Dispensaries superintended by Sub-Assistant Surgeons, but that they *be* employed in Dispensaries superintended by Assistant Surgeons, and receive on that account an allowance of Rs. 10 each for such employment.

5th.—The Chief Commissioner would desire to apply the rules above suggested to District Dispensaries generally. As regards independent Dispensaries, for which a separate establishment is sanctioned, such as the Dispensaries of Lahore, Simlah, Kuhrooe, the employment or non-employment of a Native Doctor is regulated by special authority; for some, an officer of this class is sanctioned, for others not.

No. 866.—*From the Secretary to the Government of India, to the Chief Commissioner of the Punjab.—Foreign Department,—Dated Fort William, the 27th February* 1855.

In reply to your Secretary's letter No. 110, of the 5th instant, I am directed to acquaint you, that His Honor the President in Council has been pleased, for the reasons therein stated, to sanction the arrangement which you recommend, viz. that Jail Native Doctors be not employed in Dispensaries superintended by Sub-Assistant Surgeons; but that they be employed in Dispensaries superintended by Assistant Surgeons, and receive on that account an allowance of Rs. 10 each, monthly, for such employment; this rule being made applicable, as you desire, to District Dispensaries in the Punjab generally.

No. 868.—*From the Secretary to Goverment of India, to the Medical Board.—Foreign Department,—Dated Fort William, the 27th February* 1855.

From Secretary to Chief Commissioner, dated 5th instant, No. 110.
To Chief Commissioner of this date, No. 866.

With reference to the letter from this Department, dated the 5th August 1853, No. 3453, I am directed to transmit for your information the accompanying transcript of a correspondence with the Chief Commissioner of the Punjab, relative to the employment of Jail Native Doctors in District Dispensaries in the Punjab, superintended by European Assistant Surgeons, with an allowance of Rs. 10 per mensem.

No. 1761 A.—*From the Secretary to Government, North Western Provinces, to the Civil Auditor, North Western Provinces.—General Department,—Dated Head-Quarters,—Nynee Tal, the 4th September* 1855.

In continuation of my docket No. 1420 A., dated the 28th July last, I am directed to forward for your information the accompanying copy of a letter from the Officiating Under-Secretary to the Government of India, Foreign Department, No. 2872, dated the 10th ultimo, with its enclosures, relative to the grant of an allowance of Rs. 10 per mensem to Native Doctors in the Punjab who are attached to Dispensaries under the direction of European Assistant Surgeons, and to state that the Hon'ble the Lieutenant-Governor sanctions application of the same rule to cases in these Provinces in which Sub-Assistant Surgeons may be temporarily absent from stations to which they have been appointed, or in which a Native Doctor may not be specially employed for the service of a minor Dispensary, for the duties of which officers in the higher grade of Sub-Assistant Surgeon are not allowed.

No. 1762 A.—*From the Secretary to Government, North Western Provinces, to the Medical Board.—Fort William,—General Department,—Dated Head-Quarters,—Nynee Tal, the 4th September* 1855.

With reference to the letter to your address from the Secretary to the Government of India, in the Foreign Department, No. 868, dated the 27th February last, relative to the

employment of Jail Native Doctors in District Dispensaries in the Punjab, superintended by European Assistant Surgeons, with an allowance of Rs. 10 per mensem. I am directed by the Hon'ble the Lieutenant-Governor to transmit for your information the accompanying copy of a letter this day addressed to the Civil Auditor, North Western Provinces.

3305.—*Notifications.—General Department,—Agra, the 6th September* 1855.

THE following Notifications, issued by the Government of India, in the Home Department, Nos. 1059 and 1060, dated respectively the 10th and 21st ultimo, are re-published for general information :—

No. 1059.—*Fort William,—Home Department, the 10th August* 1855.

RULES RELATING TO THE REGISTRATION OF LETTERS SENT THROUGH THE POST OFFICE.

Approved of by the Hon'ble the President of the Council of India in Council on the 10th August 1855.

1.—The system of Registration is applicable to all descriptions of Letters without distinction, but in the case of Letters for Foreign Countries from India, extends only to the port of despatch.

2.—A Post Master, Deputy Post Master, Receiver, or other Officer, on being applied to, to register a letter, will demand a Registry Fee of Four Annas, and will write distinctly, on the front of the Letter, "*Registered Letter;*" he will also stamp the Letter plainly, and enter the address and number of it on the left hand side of the Receipt Book with which he is furnished; he will next enter the number and address of the Letter upon the Receipt, so as to correspond with the entry in the counterpart. The Receipt will then be stamped with the dated Office Seal, torn out of the book, and given to the Poster.

3.—The Registration Fee of Four Annas must be paid before a Receipt is given.

4.—The full address of Registered Letters must be entered on the Letter Chellaun, and the Letter itself must be enclosed in one of the green printed covers that are furnished for the purpose.

5.—This green cover must be enclosed, unsealed, in the Bag or Packet addressed to the Delivering Office, or, when a Sorting Office intervenes, in the Packet in which Letters for the Delivering Office are usually sent.

6.—No Letter can be received in order to be Registered, unless it is brought to the Post Office half an hour before the closing of the Box for the particular Mail or Bag by which it is to be despatched.

7.—When, from any cause, a Registered Letter cannot be delivered, it must be sent back, without delay, with the original green cover, to be returned to the sender. When a Registered Letter has to be re-directed, and forwarded, the original green cover must be returned to the Office of Despatch, and the Letter sent to its new address with a fresh cover. The full direction of the letter must also be entered in the letter Chellaun with which it may be forwarded.

8.—On the delivery of a Registered Letter to the party to whom it is addressed, a Receipt in duplicate must be taken by the delivery Peon or Letter Carrier, one of which Receipts must be returned to the Posting Office by the first Post, the duplicate must be carefully preserved by the Post Master of the Delivering Office as the voucher for the safe delivery of the Letter: he will be held responsible for it if he cannot, when required, produce the Receipt as proof of the delivery.

9.—The portion of the cover returned to the Posting Office must bear a clear impression of the dated Office Stamp, showing the day on which the Registered Letter reached the Post Master's hand; it may be sent open in the Bag or Packet.

10.—No Letters can be refused to be registered, provided they are posted in sufficient time, and the Registration Fee is paid in advance, and that the other Regulations in force with each class of Letters are duly complied with.

11.—Any neglect of these Regulations, which shall involve the loss of a Registered Letter, will not only render the party guilty of such neglect liable to be called on to make good the amount, of the loss sustained in consequence, but will be punished by dismissal from the service.

12.—That there may be no misconception as regards the course to be pursued with Registered Letters, it must be distinctly understood, *that the person to whose possession such Letter is last traced will be held responsible for it,* as a matter of course, until he shall have discharged himself of the responsibility by a satisfactory explanation.

13.—It will therefore be necessary for every Officer, on opening a Bag or Packet, immediately to seek the Letter Bill, and, in the event of a Registered Letter being entered on it, to certify its arrival by attaching his initials to such entry; he will then place the Letter in its proper channel for disposal, taking an acknowledgment, by initials or otherwise, from the person into whose hands it may be given for delivery of despatch; each Officer who may receive the Registered Letter will pursue the same course, until it reaches the party for whom it is intended, when the usual Official Receipt is obtained on its delivery.

14.—Should any entry be made on the Letter Bill of a Registered Letter, and such Letter (although it ought from its being separate from the others to be distinctly seen) cannot be found in the Bag, the opener of the Bag must immediately report the circumstance, calling in, if possible, another person to verify the fact, before he has touched the other Letters.

15.—With regard to the despatch of Registered Letters, the same precautions must be observed, the Clerk who receives the Letter for despatch from the Poster must obtain a discharge from the Officer to whom he delivers it, and this Officer, and all others through whose hands it may pass, must pursue the same course. The Despatching Clerk will enter the Letter on the Bill carefully checking it into the Bag or Packet, and will be only exonerated from his liability by the signature of the Receiving Clerk at the Office to which the Bag is addressed.

16.—Every irregularity connected with Registered Letters must be instantly reported to the Inspecting Post Master, and, by that day's post, to the Post Master General, in order that innocent parties may not be involved in heavy responsibilities which in reality do not attach to them.

17.—Each Post Master will be responsible that every party employed in any Office in his Division is made acquainted with these Regulations, and will take their signatures as an acknowledgment of having perused and understood them.

No. 1060.—*Notification.—The* 21*st August* 1855.

The following Resolution, passed on the 27th ultimo, by the Hon'ble the President in Council in communication with the Most Noble the Governor General, is published for general information:—

Resolution.—The Hon'ble the President in Council is of opinion that, in like manner as the Military Establishment of the Presidency of Fort William in Bengal is, as a Service, immediately under the Governor General of India in Council, to whom have been transferred, by Statute 17th and 18th, Vic. cap. 77, all the powers of the Governor

General of Bengal not for the time being transferred to one of the Lieutenant-Governors of either Division of the Presidency, so also all other Service Establishments of that Presidency, not being exclusively attached to one or other of those Divisions, ought to be, as Services, immediately under the Governor General of India in Council.

2.—The President in Council is therefore pleased to resolve, that from henceforth the Civil Servants and the Chaplains on the Bengal Establishment shall, as *Services*, be under the direct orders and control of the Governor General of India in Council; and that all orders affecting either class of Officers as Members of a Service, as distinguished from orders incidental to their employment under any Local Government, shall emanates from the Government of India.

3.—His Honor in Council accordingly determines, that in future the arrival of newly appointed Civil Servants and Chaplains shall be reported to, and notified by, the Government of India in this Department; that the Government of India in the same Department shall regulate the promotion of Chaplains from the rank of Assistant to that of full Chaplain, and the grant of Furloughs both to Civil Servants and Chaplains; that as heretofore it shall attach, as required, to the several Provinces, the services of Officers of both these classes, and shall receive and deal with their applications to resign the Service of the East India Company; and that all reports of departure to, and arrival from, Europe (except by Civil Servants on leave granted by the Local Governments under Chapters II. and III. of the Absentee Rules,) shall be made to and gazetted in this Department.

4.—Civil Servants on the Bengal Establishment, before they are reported qualified for the Public Service, and whenever at any time they are not placed under the orders of one of the Lieutenant-Governors, or of one of the Officers in charge of any of the Provinces immediately under the Administration of the Government of India, shall be under the direct control and superintendence of the Governor General in Council.

5.—The Board of Examiners in Calcutta, constituted by orders of the Government of Bengal, dated the 24th January 1854, shall, in respect to the control of newly appointed Civil Servants, to their examination by the qualification test and for honors, and to the performance of all duties formerly discharged by the Examiners and Secretary of the College of Fort William, be subject to the direct authority and orders of the Governor General in Council, and the Secretary to the Board and the Stipendiary Members thereof shall hereafter be appointed by the Governor General in Council. All Reports and Returns relative to such matters, heretofore made by the Board to the Government of Bengal, will now be made direct to the Government of India in the Home Department.

6.—Whenever an unpassed Civil Servant is permitted or required to prosecute his studies under a Civil authority, at a Station in the interior, he will be placed temporarily under the orders of the Government or other controlling authority of that division of the Presidency in which the Station to which he may be sent is situated.

7.—His Honor in Council resolves that every application for Furlough, or for permission to resign the Service, whether from Chaplains or Civil Servants, shall be made through the Government or Chief Civil authority at whose disposal the services of the applicant are placed.

No. 1824 A.—*Notification.—Head-Quarters,— General Department, the* 10*th September* 1855.

THE following Provisional Rules for Grants-in-aid of Education in the North Western Provinces of the Presidency of Bengal, are issued with reference to instructions from the Government of India, dated 17th August 1855, No. 1026.

1.—The Local Government, at its discretion, and upon such conditions as may seem fit in each case, (reference being had to the requirements of each district as compared with others, and to the funds at the disposal of Government,) will grant aid, in money, books, or otherwise, to any school in which a good secular Education is given through the medium either of English or the Vernacular tongue, to males, or females, or both, and which is under adequate local management.

2.—In respect of any such school for which application for aid is made, full information must be supplied on the following points:—

1*st*.—The pecuniary resources, permanent and temporary, on which the school depends for support.

2*nd*.—The average annual expenditure on the school.

3*rd*.—The average number of pupils instructed, the ages of the pupils, and the average duration of their attendance at the school.

4*th*.—The persons responsible for the management and permanence of the school, and the time for which they will continue to be responsible.

5*th*.—The nature and course of instruction imparted.

6*th*.—The number, names, and salaries, of the Masters and Mistresses, and subjects taught by each.

7*th*.—The books in use in the several classes of the school.

8*th*.—The nature and amount of aid sought, and the purpose to which it is to be supplied.

3.—Any school to which aid may be given shall be at all times open to inspection and examination, together with all its records, which may be required to show the course and method of teaching observed in it, by any officer appointed by the Local Government for the purpose, such inspection and examination shall have no reference to religious instruction, but only to secular Education.

4.—The Government will not in any manner interfere with the actual management of a school thus aided, but will seek upon the frequent reports of its inspectors, to judge from results, whether a good secular Education is practically imparted, or not. And it will withdraw its aid from any school which may be for any considerable period unfavorably reported upon in this respect.

5.—In giving grants in aid the Government will observe the following general principles. Grants in aid will be given to those schools only (with the exception of Normal schools) at which some fee, however small, is required from the scholars; and wherever it is possible to do so, they will be appropriated to specific objects, according to the peculiar wants of each school and district.

6.—No grant will, in any case, exceed in amount the sum expended on the institution from private sources, and the Government will always endeavor so to give its aid that the effect shall not be the substitution of public for private expenditure, but the increase and improvement of Education.

7.—It is to be distinctly understood that grants in aid will be awarded only on the principle of perfect religious neutrality, and that no preference will be given to any school on the ground that any particular religious doctrines are taught or not taught therein.

No. 873 of 1855-56.—*From the Director Public Instruction, North Western Provinces, to the Secretary to Government, North Western Provinces.—Dated Nynee Tal, the 24th August* 1855.

I HAVE the honor to solicit formal instructions from Government regarding the rules which shall regulate leave of absence, whether on private affairs, or on sick certificate, to Uncovenanted Officers in the Educational Department of the Public Service.

2nd.—The fourth paragraph quoted in margin of Resolution Government, North Western Provinces, No. 1942, dated 16th October 1846, taken in connection with the Notification of the Government of India, No. 15, dated the 16th July 1846, provides for the course to be followed in the case of applications for leave of absence from Educational Officers under the orders of the Local Committees of Public Instruction.

In the Educational Department, the Local Committees are declared competent to grant leave on authorized vacations, to all Officers under them, all other applications from Officers drawing 100 Rupees or upwards, will be submitted for the orders of Government. As regards officers drawing less than 100 Rupees monthly salary, the Local Committees will exercise the same discretion which is left to other Heads of Departments, observing the spirit of the rules, so far as circumstances will permit, when granting leave in such cases. The Local Committees will report for the information of Government, the arrangements which they may make for the performance of the duties of the absentee.

3rd.—No regulations have yet been laid down for leave of absence to officers attached to the district Educational Establishments. Leave has generally been granted on the condition that the individual taking it provides an efficient substitute.

4th.—I recommend that the Inspectors in the Department of Public Instruction be empowered to grant leave of absence to Tuhseeli School Masters, and to Pergunnah Visitors, reporting the same to the Director of Public Instruction, and that the Director be empowered to grant leave of absence to Zillah Visitors on the application forwarded through, and recommended for sanction by, the Inspector, the Director reporting the same to Government.

5th.—When the circuit or *hulkabundee* schools are placed under the Inspector's orders, he should, I think, be authorized to grant leave of absence whenever he may think it advisable without a further reference to higher authority.

6th.—I would further recommend that leave of absence, on private affairs, be granted to Zillah Visitors for one month in every year on half salary, (the Inspector being of opinion that his services may be spared,) and that the indulgence of accumulating three months' leave being accorded; and secondly, that leave of absence, on medical certificate, be granted for one year, the absentee forfeiting half his salary for the first six months, and three-quarters for the remainder of the term.

7th.—The pay of the subordinate grades, viz. of Pergunnah Visitors and Tuhseeli Teachers, is so low as will not admit of the entertainment of efficient men in those appointments, and the assignment of so large a moiety as one-half of the salary to the absentee would preclude the possibility of providing an efficient substitute. I would therefore propose that one month's leave, whether on private affairs or on sick certificate, to Pergunnah Visitors and Tuhseeli Teachers, be allowed every year on half pay, and that two months additional leave be granted on sick certificate, the absentee drawing one-fourth of his salary.

No. 1903 A.—*To Director of Public Instruction, North Western Provinces.—General Department,—Dated Head-Quarters,—Nynee Tal, the 21st September* 1855.

I am directed by the Hon'ble the Lieutenant-Governor to communicate the following orders in reply to your letter No. 873, dated the 24th ultimo, for the grant of leave of absence on private affairs and medical certificate, to Uncovenanted Officers in the Educational Department.

2nd.—Inspectors in the Department of Public Instruction shall have authority to grant leave of absence to Tuhseeli School Masters, and to Pergunnah Visitors, for one month in the year, without loss of salary, if the appointment is not required to be filled up; and, if a substitute is required to be provided, on one-half salary.

3rd.—The Director of Public Instruction may grant leave on the same terms as the above to Zillah Visitors and Inspectors.

4th.—Three months, at the least, shall elapse between such period of leave of absence so taken.

5th.—In regard to leave of absence for longer periods for Inspectors, each case is to be submitted to the Government. But in respect to Zillah Visitors, Pergunnah Visitors, and Tuhseeli School Masters, the Director may grant leave on the principle of the Rules of 16th July 1846, taking care that inconvenience is not occasioned to the Public Service, and that the sum drawn by an absentee does not exceed the specified one-half salary.

No. 2040 A.—*Notification.—Head-Quarters, Nynee Tal,—General Department, the 6th October* 1855.

WITH reference to instructions from the Government of India it is notified, for the information of parties applying for Furlough, or permission to retire from the service, that such applications cannot be granted until the prescribed certificates of no demand from the Offices of Audit and Account, or security for the adjustment of any demand against the applicants in the Public Books, are furnished.

No. 3786.—*General Department,—Dated Agra, the 18th October* 1855.

BLOTTING Paper manufactured at the Moradabad Jail, having been found on trial in the Public Offices at Agra, to answer the purpose equally well as that supplied by the Superintendent of Stationery at Calcutta, I am directed to request that you will in future indent for this article on the Magistrate of Moradabad.

2nd.—The expenditure will be regulated by the scale laid down in Sections IX. and XI. of the Stationery Rules, published in the *Calcutta Gazette* of the 22nd February 1851, viz. six sheets per annum for each individual. Indents for the paper must therefore specify the number of assistants and writers employed on the establishment of the Indenting Officer.

No. 2149 A.—*Notification.—General Department,—Head-Quarters, the 22nd November* 1855.

THE Notification of Government, No. 1098, dated the 8th June 1852, published in the *Agra Government Gazette,* No. 25, dated 22nd June 1852, on the subject of measures to be adopted for promoting general Education, is re-published, and its provisions are declared to be applicable to all districts in which Educational establishments are now in the course of introduction throughout the North Western Provinces.

The Circular Order by the Sudder Board of Revenue, North Western Provinces, No. 4, dated the 10th August 1852, published in the *Agra Government Gazette,* No. 34, dated the 24th August 1852, which is re-published, will be also now regarded as applicable in all its provisions throughout the North Western Provinces.

No. 1098.—*Notification.—General Department,—Agra, the 8th June* 1852.

1st.—The attention of Public Officers in the Districts of Bareilly, Shahjehanpore, Furruckabad, Allygurh, Muttra, Mynpooree, Agra and Etawah, is drawn to paragraph 13 of the Resolution of 9th February 1850, for the promotion of Vernacular Education.

Resolution, 9th February 1850, paragraph 13. These operations must be conducted in concert with the Revenue authorities, and must obtain their cordial assistance. The agency which is now called into action, may be made most valuable in insuring the proper training of Putwarees, and in ascertaining the qualifications of

candidates or nominees for that office. Certificates of qualifications from some of the persons employed in the department may be made necessary for advancement to the post of village Putwaree, and also to many other appointments, such as those of peon, chupprasee or burkundaz, as well as to those higher offices where literary attainments are more evidently essential.

2nd.—In these districts, Tehseeldaree Schools have been formed, and an agency has been organized for assisting and encouraging education in every part of the district; ample means have been furnished to all for the acquisition of the rudiments of learning, which are essential to the right discharge of the duties of any public office.

3rd.—All the Officers of Government in those districts are therefore prohibited after the expiration of six months from the present time, from taking any person into public employ, who is not able to read and write, and understand ordinary accounts. Ability to read and explain the two first of Ram Surrun Dass' Elementary Treatises, either in Hindee or Oordoo; viz. No. 1, Letters and Words, and No. II. Arithmetic, is the minimum qualification for all burkundazes, peons, chupprasees, and persons of superior grade. This is applicable to all departments; viz. the Judicial, the Revenue, the Police, the Customs, the Post Office, and every other branch of the public service. In the selection of chowkeedars, a preference shall always be given to candidates possessed of the required qualification.

4th.—The Sudder Board of Revenue will fix the literary qualifications, which shall be necessary for Putwarees (village accountants,) and will consider how far the same principle can be made applicable to candidates for the office of lumberdar, or representative of the village community.

5th.—Whenever strong reasons exist for dispensing with the possession of the required qualification, the Commissioner of the Division, on the recommendation of the person who nominates to the office, is authorized to grant special exemptions for a fixed period, or for the lifetime of the exempted individual.

6th.—The Zillah and Pergunnah Visitors are authorized to give certificates of qualification to all persons who may make application to them for the purpose, and may give proof of their possessing the necessary knowledge. The production of such Certificates will be sufficient proof that the holder possesses the required qualification. The Visitor General will issue such instructions as he considers necessary to ensure the due performance of this office, by the persons employed under him.

7th.—These rules are to be held strictly applicable only in the eight districts in which the measures for the promotion of Vernacular Education have been introduced. But their spirit may be observed, so far as is conveniently practicable throughout the provinces. A preference should be given to all candidates for public employ, who possess at least a knowledge of the rudiments of literature, indicated above.

No. 4.—*To all Commissioners of Revenue, North Western Provinces.—Land Revenue Department,—Dated Agra, the* 10*th August* 1852.

The Sudder Board of Revenue, North Western Provinces, direct attention to the Notification of Government, No. 1098, dated 8th June 1852, published in the *Agra Government Gazette*, No. 25, dated 22nd June 1852, on the subject of measures to be adopted for promoting general Education, and especially to the 4th paragraph, which relates to the appointment of Putwarees and Lumberdars.

Promotion of general Education.

Board communicate instructions as to the measures to be adopted for the purpose, and state what the minimum qualification of applicants should be, in order to render them eligible for the appointments of Putwaree and Lumberdar.

2nd.—As regards Putwarees, the Board consider that the following may be assumed as the minimum qualification which such Officers should possess. *First*, the power of reading fluently, and of writing legibly, the Hindee language in the Nagri character; or

the Oordoo language in the Persian character, where that is the language of the agricultural population, and the Collector may not consider a knowledge of Hindee to be necessary. *Secondly*, an acquaintance with Ram Surrun Dass' four books, or with any other Manual which may hereafter be prescribed in supersession of them. *Thirdly*, the ability to measure land correctly, according to the usual native method, to draw out a fair khusrah and moontukhib, and to prepare a field map on a given scale.

3rd.—The progress made towards the general enforcement of this standard is to be noted annually in the Administration Reports. For this purpose, a list of all the Putwarees in the district will be kept up in Oordoo, with three columns for the three headings mentioned in the preceding paragraph. These columns will be filled up, opposite each name, with the words "qualified," "partially qualified," "unqualified," as the case may be. The duty of preparing these lists will devolve, in the first instance, on the Tehseeldars and Canoongoes, but the Collector should take every opportunity of testing the accuracy of the entries. Pergunnahwar abstracts of these lists in English will accompany the Annual Administration Report, and the Collector will state in that report what steps he has taken to ascertain the correctness of the classification.

4th.—Putwarees at present in office are to be told that their retention of their posts will depend on the advancement they may make in acquiring the prescribed qualifications. In the eight districts under the Visitor General of Schools, one year should be the longest period allowed for this purpose. In other districts the Collector will exercise his discretion on this head, being guided by the means which may be available to the Putwarees for obtaining instruction. Where these are scanty or imperfect, the Collector should endeavour to supply teachers, as has been already done in several places.

5th.—In the eight districts above-mentioned, the possession of qualifications, according to the fixed standard, is to be considered an indispensable condition of all new appointments made after the expiration of six months from the date of these orders. In other districts the Collector must determine, according to circumstances, what degree of knowledge is for the present to be strictly required. The Board however do not think it desirable that the candidates of highest attainments shall invariably be selected for these offices. It will be better to give the preference to the heir of the former incumbent, or to the nominee of the zemindar, unless these are so deficient as to render their exclusion unavoidable under these rules.

6th.—The Visitor General of Schools will be requested to instruct the Zillah Visitors employed under him, to examine any Putwaree, or any aspirant to that office, either on the application of the party himself, or at the request of the Collector, and to grant certificates to those who may pass the test successfully; these certificates will entitle the holders, if now in office, to be registered as qualified in the Tehseeldar's lists, and they will relieve those who are only the candidates for the office, from any further question on that score. The Collectors in the eight districts will consider it discretionary with themselves, either to require such certificates from incumbents and candidates, or to take other methods for testing their proficiency. They may also arrange with the Zillah Visitors for a systematic examination of all the Putwarees in the district, if they judge such a measure to be expedient, in order to carry out the objects of this Circular.

7th.—As regards Lumberdars, it must first be considered, on the occurrence of a vacancy, whether the officers of Government can exercise any choice as to the mode of filling it up. In estates held by only a small number of sharers, it is probable that the succession must be ruled on other grounds than those of personal merit. It is only where the number of sharers is considerable, and the principle of election prevails, that the qualifications of the candidates can ordinarily be taken into account. Even in these cases difficulties may exist in the way of carrying out any fixed rule. In the settlement agreements it should always have been provided that though the election of a Lumberdar

rested with the community, the Collector had a veto on the nomination, and the Board believe that this provision, when not expressed, was generally well understood; still cases may arise in which the sharers may insist on their absolute right to nominate their own representative, and in which the Collector may not see sufficient grounds on which to oppose this claim, though he does not concur in the propriety of the choice. It may more often happen that one particular person is so much better fitted than any other, by position, influence, or general character, for the vacant post, that neither the Collector nor the brotherhood could wish to pass him over, deficient as he may be in literary acquirements. To do this indeed might, under some circumstances, disturb the peace of the village, and be ruinous to its prosperity.

8th.—In a large class of cases, therefore, it may not be possible to carry out the wishes of Government in this respect. Still however the Board think that opportunities enough will remain, of showing to the people what extent of knowledge it is expected that a Lumberdar should possess. The minimum qualification should be the power of reading and writing Hindee in the Nagari character with some facility, together with such a knowledge of accounts and business, as may enable him to understand the Putwaree's books and papers, and the ordinary transactions with the village banker. So much should be insisted upon on all occasions on which a discretion rests with the Collector, and when that discretion can be exercised without evident danger of evil results. An impression will thus be created, which should be encouraged by all means, that before long this degree of knowledge will be considered an indispensable qualification for the office. If one, or two or more candidates is further acquainted with Oordoo or Persian, and can write petitions, and understand official proceedings in the former language, such weight as circumstances may allow, will also be given to these additional advantages. In some parts of the country the knowledge of Oordoo may be accepted in the place of an acquaintance with Hindee.

9th.—The Tehseeldars should also keep up registers of the Lumberdars in their pergunnahs, with remarks on the knowledge at present possessed by each. The yearly enquiry necessary for keeping up this register will have an useful tendency, and the means will thus be afforded, some years hence, of judging how far progress has been made. The Board do not require any abstract of these registers, but will be glad to receive any observations which the Collectors may desire to make on the general subject in their annual reports.

No. 3890.—*Notification.—General Department,—Agra, the 29th October* 1855.

THE following Notification, issued by the Most Noble the Governor General of India, in the Foreign Department, under date the 24th ultimo, No. 564, is re-published for general information:—

No. 564.—*Notification.—Foreign Department, Ootacamund, the 24th September* 1855.

The practice under which Officers holding appointments directly under the Supreme Government, are entitled to obtain furlough on private affairs, or on Medical Certificate, or otherwise, from the Governments of Bombay and Madras, without any reference to the object contemplated by them when applying to the Supreme Government for preparatory leave, having been found to be productive of considerable inconvenience, the Most Noble the Governor General is pleased to direct, that in future all Officers in the position described above, to whatever Presidency they may belong, shall, in making application for preparatory leave, declare from what port it is their intention to embark, and whether they desire to obtain a furlough on private affairs, or on Medical Certificate, or with a view of ultimate retirement from the Service of

Government. A copy of such application will be communicated in due course to the local Government, in order to provide against any other furlough being granted than that contemplated.

2.—In cases in which Medical certificates may be produced, setting forth the urgent necessity of *immediate embarkation*, the local Government shall be at liberty to use its discretion in granting permission for such embarkation. But the term for which leave is taken, and the conditions on which it is taken, must be understood to rest ultimately with the Government of India, and shall not depend on the local Government.

No. 1935 of 1855-56.—*From Visitor of the Thomason College of Civil Engineering, to Secretary to Government, North Western Provinces.—Roorkee,* 11*th October* 1855.

I HAVE the honor to forward herewith for the consideration of the Hon'ble the Lieutenant-Governor, letter under date the 4th instant, from Mr. H. B. Medlicott, Professor of Geology in the Thomason College, suggesting certain measures for giving form and consistency to his future work as a trained Geologist in the service of Government.

2*nd.*—The circumstances under which Mr. Medlicott is at present placed are briefly these. His College session extends from April to September, and during that time he has his duties as an instructor to occupy his attention. From October till March he is available for field duties in such tracts as from time to time may be appointed for him. Mr. Medlicott is of opinion, and I fully concur with him, that by an extension of existing arrangements he is competent to render further useful service to Government.

3*rd.*—The general idea expressed in Mr. Medlicott's letter is to constitute formally at Roorkee an office for the collection, analysis, and exhibition in convenient and ready accessible forms of that information, varied in nature and value, which is placed before Government from time to time from different quarters in illustration of the mineral resources of these provinces.

4*th.*—The practical advantages of such a course seem to me to be considerable both as regards the Government and the individuals supplying the information to Government: it presents the means of having details examined by an officer specially educated to appreciate them at their true value, to sift the practical from the merely curious or speculative, and to present the results for the consideration of superior authority in their most condensed and useful shape. To individuals it secures the aid of a most competent adviser and director, who can point out to them how their efforts can best be directed to useful ends, and can give them the benefit of his personal experience in perhaps the best practical Schools in the world, the Geological surveys of England and Ireland.

5*th.*—The means already available to these ends have been most liberally supplied by Government, and are even now considerable. The College Museum has assumed fair proportions, and although it is still very young it supplies useful means of comparison and identification. The nucleus of a Laboratory, sufficient I believe for practical analysis, is, or will immediately be, at command, and from time to time its resources may be increased as the necessity for increase becomes apparent. Further, the Library already contains some excellent works for reference, and their number will be added to gradually, as the demand for more or different information than they give may arise. At present therefore no extra expence is proposed beyond the petty contingencies for copying or printing the materials that may be wrought upon. Circumstances connected with the great public works in progress or contemplation, give to the question of mineral, and especially of metallic resources in these provinces, a special interest and importance at present. Reports upon them are frequently submitted for His Honor's

consideration, and it seems probable that the economic value of these could be more directly tested at Roorkee than at any other place, for the Professor of Geology can furnish the best scientific, and the Roorkee workshops and foundry the best practical means that are at present available for such an object. After fully and carefully considering Mr. Medlicott's proposals, I believe them to be worthy of His Honor's sanction, as being likely to lead to practically useful results.

6th.—Mr. Medlicott proposes in his paragraph 7, that copies of memoranda or Reports, such as that recently submitted by Mr. Sowerby on the Iron of the Kumaon Bhabur, or others which he has seen in the office of the Collector of Mirzapore, should, as a general rule, be sent to him at Roorkee for examination and report. He proposes to abstract and condense such reports, to mark localities where minerals of economic importance or metals may be available on office maps, and thus to centralize and hold at the command of Government the information now scattered, and virtually inaccessible for general use. This strikes me as being a reasonable and readily practicable suggestion which Mr. Medlicott is highly competent to work into form. Such matter as was valuable. might, as Mr. Medlicott suggests, be printed from time to time for general information.

7th.—Simultaneously with the disposal of unpublished matter as above noted, Mr. Medlicott proposes to centralize and condense the published matter relating to the mineral resources, or geological structure, of these provinces, which is at present dispersed through various works. This also would certainly be a labour of much practical value.

8th.—In the foregoing it appears to me that nothing is proposed which one competent man with the means at his command which Roorkee now offers might not accomplish. It should I think be distinctly understood by Mr. Medlicott that his attention is to be restricted to the North Western Provinces only. However interesting the mineral or geological conditions of other portions of the empire may be, our object at present should, I conceive, be solely to assist in developing those of the Government to which we belong, and any vague extension of the scheme is, I think, much to be deprecated. I am anxious that the proposal under discussion should have a clearly defined, specific and practical character, as being the only safe ground on which I can ask His Honor's support for it.

9th.—The Geological Survey of India is directly subordinate to the Supreme Government of India, and it appears to me possible that His Honor might not consider it expedient to constitute as Mr. Medlicott proposes a "geological survey office" at Roorkee under his charge, and in connection with the Thomason College Museum. But as the specific object proposed is to facilitate research in connection with the Mineral Resources of these Provinces, the name of "Mineral Resource Office, North Western Provinces," would probably be found to serve the purposes referred to in Mr. Medlicott's 12th paragraph, while it would indicate at once the function and the local character of the office itself.

10th.—In the event of the general propositions submitted being such as His Honor can approve of, details will readily be arranged. The first step would naturally be that pointed out in Mr. Medlicott's 17th paragraph for collecting from such Offices as possess them, records or copies of records treating of Mineral Resources. Mr. Medlicott could in the meanwhile procure his maps and go on with his abstract of published materials. When he was able to prepare like abstracts of unpublished materials, these would be laid before Government, and the Lieutenant-Governor's instructions taken as to the expediency of printing them. Till however the general principle of the scheme has received consideration, it would be premature to enter farther into details.

11*th.*—I take this opportunity of stating that during the current working season, Mr. Medlicott will survey the tract between the Ganges and Jumna Rivers, as appointed for last season, but suspended by his deputation to the Nerbudda valley.

From the Professor of Geology, Thomason College,—to the Visitor of the Thomason College,—Roorkee 4th October 1855.

Since I joined my appointment at Roorkee, a year ago, I have frequently considered how my services might be turned to the most advantage.

I have been deterred from speaking on the subject by the appearance it might have of an attempt to make much of myself.

This however can be but a remote and contingent possibility, and even if not, could not release me from the duty of suggesting how my resources may be best employed for the Government service. In so special a subject, unless these suggestions are made by me, it is hardly to be expected that they should be made at all.

2*nd.*—My object would be to collect at Roorkee all statistics relating to the mineral conditions of these Provinces.

3*rd.*—Hitherto in India matter of this nature has been scattered in the most unserviceable manner, whether the spontaneous efforts of individuals, or the results of examinations made by order of Government, a portion is made public through the Journals of Scientific Societies; some more is occasionally published in various forms as Government reports; a mass, perhaps not the best but still important, gets buried among the papers of local or of central offices. An attempt to co-ordinate and express the total in a manner available for journal or special information has not been made. This is what I would try to accomplish for the past, and to ensure for the future. My experience of the Geological Surveys at Home and in India ought to give some promise of success.

4*th.*—The attempt to include all India under one officer seems most unadvisable. Not only on account of the immense extent of territory, but also because of the distinct provincial administrations. Of the great practical disadvantages arising from both of these causes, I have lately had the most unequivocal proof.

5*th.*—Besides the objection of unmanageable area, the great defect of the Geological Survey of India is its having no fixed Head Quarters, no permanent office or Museum directly connected in which to digest and conserve its data. The consequences need not be detailed, but I feel convinced that the Geology of India can never be done justice under such a system, or rather with such want of system, until such material is worked upon the spot. Nor can it be practically appreciated unless connected and handled by a person conversant with that branch of science.

6*th.*—At Roorkee we have these primary requisites ready to be applied, nothing is needed but the vivifying influence of Government.

7*th.*—The beginning I would suggest is, that search be made in the various Government offices for manuscript memoranda, or reports relating to the mineral resources or geological structure of the several districts, that any such, or copies thereof, be sent to Roorkee.

8*th.*—I should think that to have such documents continually addressed and permanently kept at Roorkee would in a small way assist the machinery of Government, but for my immediate object the loan of them is all I ask. I have seen such in the Collector's office at Mirzapore, and in the central offices there are probably many such notices as the recent one by Mr. Sowerby.

9*th.*—My object would be to mark on office maps the localities described, and to arrange and epitomize the mass of text, so that all or any might be readily referred to.

10*th.*—If much valuable matter were discovered it might be well to print these abstracts with a comparative sketch of the whole as a quick and starting ground for further observers.

11*th.*—This might be the first number of a *formal* publication, in which all kindred matter might from time to time be registered and made known.

12*th.*—An almost essential point to give efficiency to these propositions is *a name.* I don't want to be called anything myself, but trifling as it may seem, I am convinced it would materially affect the working of the system. Many a Collector would assist or refer to the Government Survey Office Roorkee, who have nothing to say to the Museum of the Thomason College Roorkee. It is a mere form, and must in no way affect real arrangements. It is indeed but recognizing what Government have already established in fact, that I am to carry on the geological survey of these provinces from year to year under orders.

13*th.*—Any of these arrangements need in no way affect any annihilations that may be at any time thought advisable. In fact nothing new is created; you have the Museum and the Library, you are getting a Laboratory, and you have a man, and even have observed that he shall do the work in question, he merely suggests how this can be done in the best manner. For my own private interest I should attempt some such compunctions, but without the direct sanction of the Government it must be far from complete. This only is required, *all* the materials exist.

14*th.*—In addition to the unpublished matter collected in this way, I hope in time to bring the statistics scattered in the Journals of the various learned societies, and in printed reports, to bear in the same condensed form. If any index of these Government reports (Supreme and Local) were obtainable, it would be a most serviceable guide.

15*th.*—I have more confidence in undertaking these labours as most conducive to the aims of Government, being convinced that to attempt any very elaborate or tedious course of instruction in the Thomason College under existing arrangements would be pure waste of time.

16*th.*—That such an Office would be most advantageously placed at Roorkee, in connection with the Workshops, and under the roof of a Civil Engineering College cannot be doubted.

17*th.*—Should these ideas meet with your approbation, the Government will probably sanction the experiment. The first step would naturally be a circular *from Government* carrying paragraph 7 into effect.

No. 2253 A.—*From the Secretary to the Government of the North Western Provinces, to the Visitor of the Thomason College of Civil Engineering, Roorkee.—Dated* 3*rd November* 1855.

I am directed to acknowledge the receipt of your letter No. 1935, dated the 11th ultimo, forwarding for the consideration and orders of the Hon'ble the Lieutenant-Governor a communication from Mr. H. B. Medlicott, Professor of Geology in the Thomason College, containing certain suggestions for the constitution of a "Mineral Resource Office" at Roorkee, under the management of Mr. Medlicott.

2*nd.*—The Lieutenant-Governor has considered the scheme submitted, with the interest and attention which it deserves.

3*rd.*—His Honor fully approves of the proposals offered by you, as far as they relate to the collection, analysis, and condensed arrangement under the direction of one qualified officer such as Mr. Medlicott, of the information existing, or to be hereafter placed, on the records of the Public Offices in these Provinces, regarding any of their mineral resources.

4th.—It is doubtful whether it is a part of your plan that Mr. Medlicott should be invariably employed as a previous referee and reporter on all papers or schemes, regarding the discovery and working of mineral ores under this Government. The Lieutenant-Governor is not prepared to carry the scheme to this extent, though he may often be glad to avail himself of the aid of Mr. Medlicott's valuable knowledge and opinions.

5th.—Short of this, your suggestions may be at once carried into effect. Mr. Medlicott may probably with advantage visit Agra at some convenient period before the re-opening of the College classes, and select for his examination such records from the Secretary's office as he may think most likely to be useful.

6th.—Mr. Medlicott will of course carry out the survey of the tract between the Ganges and Jumna Rivers during the present cold season.

No. 4061.—*Notification.—Agra, General Department—the* 14*th November* 1855.

THE following letter, received from the Post Master General, North Western Provinces, forwarding a Comparative Statement of the number of letters sent through the General Post, for delivery by the District Dak in the North Western Provinces and Saugor and Nerbudda Territories, during the last six months of 1853-54, and 1854-55, is published for general information:—

No. 2938 OF 1855-56.—*From the Post Master General N. W. Provinces, to the Secretary to Government N. W. Provinces, General Department.—Dated Camp Almorah, the* 25*th October* 1855.

I have the honor to enclose for the information of His Honor the Lieutenant-Governor, a Comparative Statement showing the number of letters sent through the General Post, for delivery by the District Dâk in the North Western Provinces, and Saugor and Nerbudda Territories, during the last six months of 1853-54, and 1854-55.

2nd.—It will be observed by the Statement that the increase in the number of letters delivered through the District Dâk is about 72 per cent., which may be attributed to the introduction of the cheap and uniform rate of postage, and I trust that His Honor will see with satisfaction this result.

COMPARATIVE STATEMENT.

Comparative Statement of the number of Letters and Newspapers sent for delivery to District Post Offices, during the last six months of 1853-54, *and* 1854-55.

Name of Division.	Name of Districts.	Total Number of Letters sent for delivery from Post Offices during the last half-year of 1853-54.	Total Number of Letters sent for delivery from District Post Offices for the last half-year of 1853-54.	Grand Total for the last half-year of 1853-54.	Grand Total for the last half-year of 1854-55.	Difference Increase.	REMARKS.
Dehlie Division.	Paneeput, ...	236	0	236	1,229	993	
	Dehlie, ...	6,256	185	6,441	13,027	6,586	
	Sirsa, ...	459	55	514	633	119	
	Hansi, ...	825	73	898	1,782	8,884	
	Total, ...	7,776	313	8,089	16,671	8,582	
Meerut Division.	Saharunpore, ...	4,758	101	4,859	10,140	5,281	
	Mozuffernuggur, ..	8,117	0	8,117	13,182	5,065	
	Bolundshuhur, ..	4,024	384	4,408	9,341	4,933	
	Allygurh, ...	5,000	2,377	7,377	9,779	2,402	
	Meerut, ...	2,649	0	2,649	4,337	1,888	
	Total, ...	24,548	2,862	27,410	46,979	19,569	
Bareilly Division.	Bijnour, ...	4,159	1,395	5,544	6,462	908	
	Mooradabad, ...	2,450	0	2,450	2,527	77	
	Budaon, ...	4,638	2,002	6,640	8,547	1,907	
	Bareilly, ...	2,734	820	3,554	7,030	3,476	
	Shahjehanpore, ..	2,444	1,422	3,866	8,310	4,444	
	Total, ...	16,425	5,639	22,064	32,876	10,812	
Agra Division.	Muttra, ...	3,339	854	4,193	5,767	1,574	
	Agra, ...	3,984	0	3,984	7,147	3,163	
	Furruckabad, ...	2,705	2,221	4,926	7,804	2,878	
	Mynpoorie, ...	1,322	0	1,322	3,340	2,018	
	Etawah, ...	2,522	601	3,123	5,900	2,777	
	Total, ...	13,872	3,676	17,548	29,958	12,410	
Allahabad Division.	Cawnpore, ...	10,492	2,625	13,117	13,296	179	
	Futtehpore, ...	3,272	295	3,567	6,403	2,836	
	Banda, ...	2,689	70	2,759	3,302	543	
	Hameerpore, ...	2,225	98	2,323	3,421	1,098	
	Allahabad, ...	3,110	0	3,110	4,690	1,580	
	Total, ...	21,788	3,088	24,876	31,112	6,236	
Benares Division.	Azimgurh, ...	2,789	1,257	4,046	9,166	5,120	
	Mirzapore, ...	1,116	5	1,121	2,111	990	
	Benares, ...	2,281	0	2,281	3,071	790	
	Ghazeepore, ...	6,154	3,378	9,532	19,176	9,644	
	Total, ...	12,340	4,640	16,980	33,524	16,544	
Saugor & Nerbudda Territories.	Hosungabad, ...	1,476	1,055	2,531	5,509	2,978	
	Nursingpore, ...	605	0	605	3,037	2,432	
	Seonee, ...	52	160	212	3,290	3,078	
	Total, ...	2,133	1,215	3,348	11,836	8,488	
Cis-Sutlege.	Umballa, ...	2,937	0	2,937	5,751	2,814	
	Kalka, ...	8	2	10	11	1	
	Total, ...	2,945	2	2,947	5,766	2,815	
Kumaon.	Nynee Tal, ...	476	3,107	3,583	9,459	5,876	The increase appears by this statement about 7½ per cent.
	Grand Total, ..	1,02,303	24,542	1,26,845	2,18,177	91,332	
	Jounpore, ...	0	0	0	6,966	6,966	
	Jhansie, ...	0	0	0	6,791	6,791	
	Jaloun, ...	0	0	0	4,576	4,576	
	Thaneysur, ...	0	0	0	14,709	14,709	
	Ferozepore, ...	0	0	0	2,478	2,478	
	Grand Total, ..	1,02,303	24,542	1,26,845	2,53,697	1,26,852	

No. 2266 OF 1855-56.—*From the Visitor Thomason College of Civil Engineering, to the Secretary to Government, North Western Provinces.—Camp Boodunpoor, the 13th November* 1855.

I HAVE the honor to forward herewith for submission to the Hon'ble the Lieutenant-Governor, letter No. 209, dated 6th instant, from the Principal of the Thomason College, calling attention to an error in the geometrical standard of qualification for the 1st Department of the College, as prescribed in the report of Committee No. 8832, dated 24th March 1855, and submitting observations on specific text books for examination.

2nd.—Messrs. H. S. Reid and Tregear, Members of the Sub-Committee on the points referred to in Major Oldfield's letter, being in camp, I have submitted the letter under notice to them, and they concur with Major Oldfield in desiring that the error above referred to may be corrected. It occurs at page 11 of the printed "Office Collection" of correspondence on the subject, and consists in prescribing "Euclid 12 Books," instead of "Euclid 6 Books, with 11th and 12th Books." Messrs. Reid and Tregear concur in thinking the latter test a perfectly practicable one, and I therefore recommend that it should be maintained.

3rd.—With reference to the employment of specific Text Books for examination, Messrs. Reid and Tregear explain that it was not the intention of the Sub-Committee to restrict examinations to the Text Books mentioned, but only to indicate, by naming them, the nature and extent of the knowledge that would be required on the part of candidates for admission into the College. So long therefore as the Principal kept the examinations up to the prescribed standard, it would, I apprehend, be open to him to employ any books he might think best-suited for the purpose of testing the actual acquirements of candidates, and that he need not consider himself limited to those specified in the Committee's report. I believe this explanation would remove Major Oldfield's objections, and if His Honor approves of it, I will communicate it to him.

4th.—With reference to Major Oldfield's 4th paragraph it would certainly be of the greatest possible assistance in the Department of Public Works generally, if all College students were competent to write English figures. The delay and difficulty in dealing with purely Vernacular figured statements, under the central system of accounts, can scarcely be appreciated except by actual experience of them, and any means of decreasing them would be gratefully accepted. I cordially concur therefore with Major Oldfield's proposal to begin the use of English figures for Arithmetic and Estimating in the 3rd Department of the College, and recommend the same for His Honor's sanction. I further recommend that, for the present, the Principal should be permitted to exercise his discretion in admitting candidates, otherwise qualified and promising, though they may not yet have acquired the power of using English figures as prescribed by the Committee. Any embarrassment from the premature enforcement of the Committee's recommendation would thus be avoided.

5th.—The suggestion contained in Major Oldfield's 5th paragraph for assimilating the prospects of native Teachers and Students, seems to me to merit His Honor's favorable consideration.

6th.—While the demand for even partially qualified men continues so great as at present, and so much beyond the power of the College to supply, I am afraid there is no possibility of evading the difficulty adverted to in Major Oldfield's 6th paragraph. When the College is enlarged to such an extent as to meet the demand, then all candidates for public employment in the Department Public Works might be required to pass through its course, but till then I do not see that I can recommend any change in the existing system, although I fully admit the force of Major Oldfield's observations.

No. 209.—*From the Principal Thomason College of Civil Engineering, to the Visitor Thomason Civil Engineering College.—Roorkee, the 6th November* 1855.

My absence on leave prevented my seeing, till very lately, a printed copy of the report of the Committee assembled at Agra in March last, on the subject, amongst others, of the standard of acquirements to be held necessary for admission to the 1st and 3rd Departments of the Thomason Civil Engineering College at Roorkee.

1*st*.—In the standard recommended for the first Department, I find mentioned twelve Books of Euclid: how this mistake crept in or was overlooked, I am unable to explain. I remember as an individual member of the Committee, recommending six books, and was under the impression that the whole of Euclid was decided upon, intending thereby the 11th and 12th Books in addition. Simson's and other standard editions of Euclid contain only these; I never saw an edition containing more. But besides the propositions given in Euclid, some easy exercises or deductions should always be given to the candidate at his examination.

2*nd*.—Under the head of Literature, several text books are enumerated, which, independently of my general objection to the naming of any books out of which examination questions are to be given, I do not think well chosen, and I beg with deference to submit that the original notification of last year, hereto annexed, is better suited to the attainment of the desired object, viz., "that candidates be well acquainted with the English language, and able to read and write it with ease and accuracy. That natives of Upper India shall be able to read and write Oordoo correctly, and to translate into that language from English a passage from some work on Engineering subjects, tolerably free from technical expressions, and that English candidates for this Department shall in like manner be required to read and write Oordoo in the Persian character."

3*rd*.—My objection to the Text Books named in science does not extend beyond considering the naming of any such books unadvisable, as leading to a practice of special reading up, or cramming, for an examination in them. When examining a village school to know if the children can read, I prefer giving them an easy book which they have never seen, to a more difficult one which they have been learning very probably by rote.

4*th*.—In the 3rd Department requiring candidates to write English figures before entrance is, though desirable, I fear premature. In connection with this subject, I am desirous of introducing the use of English figures into the 3rd Department of this College, for Arithmetic and Estimating, and if the measure is approved by Government I will attempt its adoption.

5*th*.—I take this opportunity of drawing attention to the fact that the improved prospects of the native students of this College held out by Government, renders it absolutely necessary that the pay of the native teachers be correspondingly raised, we have already lost our 1st Native Teacher Munnoo Lall from this cause, and our Surveying Teacher Ukber Beg is looking anxiously for a recommendation as a Superintendent of District Roads, a situation to which young men who have been in the College, and who are certainly not his superiors, have attained.

6*th*.—The greatest difficulty which this College has to contend against in every one of its Departments, is that there are shorter and easier ways, into the Department of Public Works than through its walls, and that in the native classes especially, there is a natural anxiety for immediate employment, and its consequent advantages. It becomes thus difficult to get students from the other Colleges who have been well trained in Mathematics, and when they come they get restless and impatient at hearing of their contemporaries getting paid employment before them. And this has a tendency to prevent their staying long enough here to be thoroughly grounded in those practical matters, which it is the special province of this College to teach.

7th.—I have only to add that it has given me much satisfaction to learn that the students of the 1st Department, who have passed through this College, have generally given satisfaction to the officers under whom they have served, thereby giving good promise that when English Literature and Science have taken deeper root, and spread further than they have hitherto done in these provinces, a fair proportion of well educated men will be found for the profession of Civil Engineers, whilst for the subordinate positions in that profession a great and increasing number is being fitted by the village schools, and subsequent instruction in the 3rd Department of this College, through the medium of their own language.

No. 2350 A.—*From the Secretary to the Government, North Western Provinces, to the Visitor Thomason Civil Engineering College.—Dated, 17th November* 1855.

I am directed to acknowledge the receipt of your letter No. 2266, dated the 13th instant, with its enclosure, from the Principal of the Thomason College, pointing out an error in the report of the Committee on the Geometrical Standard of qualification prescribed for the 1st Department of the College, and to communicate the following reply.

2nd.—The Lieutenant-Governor authorizes effect being given to the suggestion offered in your 2nd paragraph.

3rd.—The explanation offered in paragraph 3, is of a judicious purport, and will probably sufficiently meet the object of Major Oldfield's observations.

4th.—The experiment recommended in your 4th paragraph may be made with much advantage, under the precaution stated.

5th.—The suggestion in paragraph 5, will be carefully borne in mind when the arrangements in view are finally sanctioned.

No. 4121.—*Notification.—General Department, Agra, the* 19*th November* 1855.

THE following Statement, exhibiting the operations of the Government Dispensaries in the North Western Provinces during the year 1854, is published for general information:—

Statement exhibiting the operations of the Government Dispensaries in the North Western Provinces, during the year 1854.

DISPENSARIES.	POPULATION.		NUMBER OF PATIENTS TREATED.			Total of expenditure for the year 1854.	Average per Man.	REMARKS.
	District.	Town.	In-door.	Out-door.	Total.			
Class I.—Treating from 500 *to* 2,000 *Patients.*						Rs.		
Bijnour, ...	6,95,521	11,745	93	1,749	1,842	2,271	1 3 9	
Almorah, ...	0	0	No separation between in and out-door		1,366	3,111	2 4 5	
Nynee Tal, ...	0	0			1,903	483	0 3 6	
Khandwa, in Nimar, ...	0	0			743	509	0 11 0	
Class II.—Treating from 2,000 *to* 3,000 *Patients.*								
Soisa, ...	0	0	250	2,307	2,557	1,445	0 9 0	
Sreenuggur, ...	0	0	87	2,167	2,256	1,151	0 8 1	
Nyanuggur, ...	0	0	70	2,584	2,654	577	0 3 6	
Saugor, ...	0	0	200	2,294	2,494	1,852	0 11 11	
Class III.—Treating from 3,000 *to* 4,000 *Patients.*								
Futtehgurh (Branch,)	0	0	156	3,169	3,325	581	0 2 10	
Goruckpore, ...	30,87,874	54,529	158	3,673	3,831	2,481	0 10 4	
Class IV.—Treating from 4,000 *to* 5,000 *Patients.*								
Ghazeepoor, ...	15,96,324	38,573	115	4,196	4,311	2,474	0 9 2	
Class V.—Treating from 5,000 *Patients and upwards.*								
Dehlie, ...	4,35,444	1,52,424	175	13,747	13,922	3,359	0 4 7	
Suharunpoor, ...	8,01,325	37,968	122	6,488	6,610	2,193	0 5 4	
Allygurh, ...	11,34,565	55,001	327	10,065	10,392	4,357	0 6 8	
Moradabad, ...	11,38,461	57,414	336	7,609	7,945	3,430	0 6 11	
Bareilly, ...	13,78,268	1,11,332	167	20,557	20,724	1.847	0 1 5	
Budaon, ...	10,19,961	27,635	160	4,936	5,096	1,186	0 3 9	
Shahjehanpoor, ...	9,86,096	74,560	296	6,623	6,919	3,097	0 7 2	
Muttra, ...	8,62,909	65,747	82	9,886	9,968	3,374	0 5 5	
Agra, ...	10,01,961	1,25,262	521	7,490	8,011	5,370	0 10 9	
Cawnpoor, ...	11,74,506	1,18,000	545	4,684	5,229	2,680	0 8 2	
Allahabad, ...	13,79,788	72,093	264	7,749	8,013	3,877	0 7 9	
Mirzapoor, ...	11,04,315	75,012	255	10,596	10,815	2,949	0 4 4	
Benares, ...	8,51,757	1,71,668	263	46,134	46,397	5,342	0 1 10	
Ajmere, ...	0	0	93	5,983	6,076	2,240	0 5 10	
Jubbulpoor, ...	0	0	457	6,682	7,139	2,604	0 5 10	
Furruckabad, ...	10,64,604	1,32,513	183	6,164	6,347	3,041	0 7 8	

No. 2309 of 1855-56.—*From the Visitor Thomason College, to the Secretary to the Government, North Western Provinces.—Camp Meerut, the* 19*th November* 1855.

I HAVE the honor to forward herewith for submission to the Hon'ble the Lieutenant-Governor, letter No. 221, dated 14th instant, from the Principal of the Thomason College, reporting the arrival of Mr. Freeman, Wood-Engraver, on the 21st September 1855.

2nd.—With reference to Major Oldfield's 2nd paragraph, I beg to recommend that an advertisement should be issued, notifying that apprentices will be received without premium and be allowed quarters for tuition in wood-engraving, on condition that parents or guardians comply with the terms specified, viz., obligation to continue their children or wards under instruction for two years at least, and to submit them to such discipline as the Principal of the College may consider necessary. I quite agree with Major Oldfield in thinking that the offer of payment to apprentices for learning a useful and remunerative art would be at any rate premature at present.

3rd.—Copy of paragraph 3 of Major Oldfield's letter will be communicated to the Superintendent of Forests, with the view to a search being made for woods which may be tried at Roorkee, as substitutes for box. Mr. Freeman informed me that he had brought a quantity of Turkey box wood with him from England, so that the means of present working exist, though it will be very desirable to make ourselves independent if possible of imported material of this kind.

4th.—With reference to Major Oldfield's 4th paragraph, I beg to suggest that for the present the pay of Mr. Freeman be drawn, and the incidental expenses of his work defrayed, in like manner as those connected with the Professorship of Geology.

It will shortly be necessary to revise and re-adjust the distribution of expenditure for the College Establishments, and wood-engraving can then be directly connected with the Press Department to which it naturally belongs.

No. 221.—*From the Principal Thomason Civil Engineering College, to the Visitor Thomason Civil Engineering College.—Roorkee, the* 14*th November* 1855.

With reference to your letter No. 930, of the 6th July, and its enclosures, I have the honor to state for the information of Government, that Mr. Freeman, Engraver in Wood, arrived here on the 21st September, and in obedience to your instructions, reported himself to Lieutenant Walker, Officiating Principal.

2nd.—I shall be glad to be favored with the views of Government as to whether any payment to apprentices should be offered. In England a considerable premium would be given to learn the Art of Wood-engraving, and I am inclined to think that apprentices even in this country, both European and Native, might be got, on the offer of free quarters and tuition; and an advertisement to this effect might be tried. Such apprentices should be bound under a penalty on the security or parents of guardians to remain two years under instructions, and to submit to such discipline as may be required of them by the Principal of the College, as is usual in all contracts of apprenticeship.

3rd.—Mr. Freeman has tried the hill box-wood, and states, that it is too coarse in grain, and friable under the knife, for fine work. It will be useful however for learners to begin upon and younger specimens of the wood, other varieties, or different methods of seasoning, may give an improved quality hereafter.

4th.—I have also to request instructions regarding the manner in which pay should be drawn for Mr. Freeman, and to which department the incidental expences of his department should be charged. They naturally belong to the Press Department of the College, but in the prospectus of the College there is no provision made for this

most useful addition to the Press. I mention this because the departments provided for cannot afford any curtailment, a remark which applies equally to the College Department proper.

No. 2420 A.—*From the Secretary to Government, North Western Provinces, to Visitor Thomason Civil Engineering College.—Dated the 28th November* 1855.

I am directed to acknowledge the receipt of your letter No. 2309, dated the 19th instant, with its enclosure, and to state, in reply, that the Hon'ble the Lieutenant-Governor authorises the issue of the Notification recommended by you, regarding the reception of apprentices into the Thomason College, without premium and with free quarters, for tuition in Wood-engraving.

2nd.—His Honor is also pleased to approve the other proposals submitted in your letter.

No. 1264.—*From the Secretary Sudder Board of Revenue, North Western Provinces, to the Secretary to Government, North Western Provinces.—Revenue Department,—Dated Agra, the 20th November* 1855.

In reply to Government Order No. 2296 A., dated 9th November 1855, enquiring the opinions of the Board regarding the proposal to associate District Officers in the Trusteeship of the sums assigned as endowments to Public Institutions from the Thomason Testimonial Fund, I am desired to offer the following remarks:

2nd.—The Board see no objection to, and commend, the proposition that the Collectors of Agra, Bareilly, Dehlie, and Benares should be associated with the Principals or Heads of the several Institutions at those places in the respective trusts.

3rd.—Probably there will, too, be no inconvenience in the arrangement between the Principal of the Thomason College at Roorkee and the Collector of Seharunpore.

4th.—With regard to the Lawrence Asylum and the Ajmere School, the Government will determine the local authority whom it would be proper to associate in the trusts.

5th.—The Board have only to add the recommendation that the rule, which the Government has approved, and now obtains, respecting the trusts for beneficial purposes at Benares, may be made applicable to all these trusts, viz., a brief annual account to be rendered to Government for each trust at the close of the Christian year.

No. 2496 A.—*From the Secretary to Government, North Western Provinces, to Secretary to the Sudder Board of Revenue, North Western Provinces.—General Department,—Head-Quarters,—Camp Aleepore, the 8th December* 1855.

I am directed to acknowledge the receipt of your letter No. 1264, dated the 20th ultimo, and to intimate, in reply, that the Lieutenant-Governor authorises the association of the Collectors of Agra, Bareilly, Dehlie and Benares, in the Trusteeships of the sums assigned as endowments to Public Institutions from the Thomason Testimonial Fund.

2nd.—With regard to the Lawrence Asylum, the Chief Commissioner in the Punjab will be requested to allow the Commissioner, Cis-Sutlej States, to be associated in the trust, in the same manner as the Commissioners of Divisions at Benares, Dehlie, &c., and with regard to the Ajmere School, the Commissioner of Ajmere will be requested to associate himself in the same.

3rd.—The suggestion that a brief account be rendered to Government annually of each trust, is approved.

No. 2498 A.—*From the Secretary to Government, North Western Provinces, to the Secretary to the Chief Commissioner of the Punjab.—General Department,—Head-Quarters,—Camp Aleepore, the 8th December* 1855.

I am directed by the Hon'ble the Lieutenant-Governor to forward the accompanying copy of a letter this day written to the Secretary Sudder Board of Revenue, North Western Provinces, regarding the association of District Officers in the Trusteeships of the sums assigned as endowments to Public Institutions from the Thomason Testimonial Fund, and to request that the Chief Commissioner will permit the Commissioner, Cis-Sutlej States, to be associated in the trust in the same manner as the Commissioners of Divisions at Benares, Dehlie, &c.

No. 2499 A.—*From the Secretary to Government, North Western Provinces, to the Commissioner of Ajmere.—General Department,—Dated the 8th December* 1855.

I am directed by the Hon'ble the Lieutenant-Governor to forward the accompanying copy of a letter this day written to the Secretary Sudder Board of Revenue, North Western Provinces, regarding the association of District Officers in the Trusteeships of the sums assigned as endowments to Public Institutions from the Thomason Testimonial Fund, and to request that you will associate yourself in the trust in the same manner as the Commissioners of Divisions at Benares, Dehlie, &c.

No. 4503.—*To all Commissioners and Magistrates in the North Western Provinces.—General Department,—Dated Agra, the 17th December* 1855.

I AM directed to transmit for your information and guidance, the accompanying copy of a correspondence with the Commissioner of the Benares Division, relative to the great benefit derived from, and the preservation of life effected by, the establishment of local Cholera Depôts in the City of Benares.

No. 122.—*From the Commissioner of the 5th, or Benares Division, to Secretary to Government, N. W. Provinces.—Dated Benares, the 1st November* 1855.

I have herewith the honor to submit, for the information of His Honor the Lieutenant-Governor, an original letter No. 618, dated 29th ultimo, and its annexures from the Officiating Magistrate of Benares, relative to the great benefit derived from, and the preservation of life effected by, the establishment of local Cholera Depôts in the City.

2nd.—It would appear that, at an expense of Rs. 400 from the Municipal Funds, and Rs. 93-5-7 from other sources, 2,208 cholera patients received immediate attention, from which, under God's blessing, 1,563 are stated to have been cured. This has been a great good, and reflects much credit on Mr. Edwards and Doctor Check.

3rd.—I beg to request the orders of His Honor the Lieutenant-Governor regarding these depôts in future. The expenditure from the Municipal Funds was a legitimate one during an unhealthy season, when measures had to be taken at once; but Mr. Lind, the present Magistrate, does not think that these depôts, if continued in future years, ought to be a charge on the Municipal Funds.

4th.—If Government's satisfaction be expressed, I may perhaps be enabled to induce some of the more wealthy residents to support some of the depôts at their own expense.

No. 618.—*From the Officiating Magistrate of Benares, to the Commissioner of the 5th, or Benares Division.—Dated Benares, the 29th October* 1855.

I have the honor to annex copy of a letter and enclosures received from Doctor Check, who, you will perceive, is anxious to bring to the notice of Government the great benefit derived, and the preservation of life effected by, the establishment of local Cholera Depôts in this City.

2nd.—The return speaks for itself, and I feel confident that you will represent to Government the utility of these Cholera Depôts; however beneficial the application of a portion of the Municipal Funds may have been against this dreadful scourge, still I am of opinion, that a special grant from Government would be more legitimate than the appropriation of the Municipal Funds even for so benevolent a purpose.

No. 65.—*From the Civil Surgeon, Benares, to the Officiating Magistrate, Benares. Dated the 24th October* 1855.

I have the honor to forward a return of Cholera patients treated at the different Cholera Depôts in Benares, from 10th May to end of September 1855, which shows how well these little Institutions have worked, and how many a life has been saved by the timely administration of medicine. I am exceedingly anxious to continue these depôts next year, if funds could be allowed from the Municipal Funds, as they have been this year given me by Mr. Edwards, the late Magistrate, and to establish them again in some places in the city for six months in each year. I should be glad if this return and statement of expenditure could be sent to Government, so that His Honor the Lieutenant-Governor, North Western Provinces, might see how useful these institutions have proved, and I feel certain he would authorize their continuance. I may add, that the number entered in this return among the admitted for treatment at these depôts, were entirely exclusive of those treated for the same disease at the other five Dispensaries under my charge.

Return of Cholera Patients treated in the different Cholera Depôts at Benares, from 13th May to 30th September 1855.

Date.	Name of Depôts.	Disease.	Remained.	Admitted.	Total.	Cured.	Died.	Unknown.	Remaining.	Remarks.
From 15th May to 30th September 1855,	Sewala, ...	Cholera,	0	360	360	251	69	39	1	Average cured, 70·78. Ditto deaths, 16·21.
„ 13th do. to 30th „ „	Bengali Tolah,	Ditto, ..	0	395	395	338	36	21	0	
„ 19th do. to 30th „ „	Meer Ghaut, ..	Ditto, ..	0	374	374	263	74	36	1	
„ 15th do. to 30th „ „	Bhayronath, ..	Ditto, ..	0	406	406	252	90	60	4	
„ 21st do. to 30th „ „	Raj Ghaut, ..	Ditto, ..	0	361	361	283	45	31	2	
„ 21st do. to 30th „ „	Secrole, ...	Ditto, ..	0	312	312	176	45	91	0	
	Total, ..	.. ..	0	2208	2208	1563	359	278	8	

(Signed) A. H. CHEEK, *Civil Surgeon.*

Benares, the 15th October 1855.

(True Copy.)

F. M. LIND, *Officiating Magistrate.*

Dr. -- -- -- -- -- -- *Statement of Receipts and Disbursements of six Cholera*

May 13th, 1855.	To balance in hand of Bengali Tolah Cholera Station Funds of last year, ...				18	10	9
„ 15th,	„ Received from Dr. Lazarus as his contribution to the Cholera Depôt Funds, ...	49	12	0			
„ 28th,	„ „ from Mr. W. Edwards, Magistrate and Collector of Benares, by an order of Dr. Cheek, on Baboo Birjruttun Doss, Native Banker, ...	100	0	0			
„ 28th,	„ „ from Baboo Suttejewun Ghosal, as his contribution to the Cholera Depôts, ...	10	8	0			
					160	4	0
June 6th,	„ „ from W. Edwards, Esq., Collector and Magistrate of Benares, for Cholera Depôts, ...	100	0	0			
„ 11th,	„ „ transfer from the Raj Ghaut Cholera Depôt account for retrenchment of the pay and Bazar medicines' charge of the Native Doctor, ...	4	10	6			
					104	10	6
July 14th,	„ „ from W. Edwards, Esq., Magistrate and Collector of Benares, for the Cholera Depôts, ...				100	0	0
	Ditto ditto, ditto, ...				100	0	0
August 1st,	„ „ from Dr. Cheek, Civil Surgeon of Benares, for Cholera Depots, ...				9	12	4
	Total, Co.'s Rupees				493	5	7

(Signed) A. H. CHEEK,

Civil Surgeon.

Depôts at Benares, from 13th May to 30th September 1855. -- -- -- -- -- *Cr.*

By Bhayronath Cholera Depôt.						
Ramshaee, Native Doctor's pay, from 15th May to 30th September 1855, @ 6 per month,	27	0	0			
Water bearer's pay, from ditto to ditto, @ 3,	13	8	0			
Bazar medicines and contingencies,	21	9	6			
				62	1	6
By Sewala Cholera Depôt.						
Kashumally, Native Doctor, from 16th May to 30th September 1855, @ 6 per month,	27	0	0			
Water bearer's pay, from ditto to ditto, @ 3,	13	8	0			
House-rent from ditto to ditto,	6	0	0			
Bazar medicines and contingencies,	12	2	7			
				58	10	7
By Bengali Tolah Depôt.						
Benaik, Native Doctor, last year's arrear pay, 6-0-0; Ditto ditto, from 13th May to 3rd September, @ 6 per month, 27-6-0	33	6	0			
Water bearer's, from ditto to ditto, @ 3,	13	11	0			
House-rent,	7	6	0			
Bazar medicines and contingencies,	9	9	0			
				64	0	0
By Meer Ghaut Depôt.						
Poturn, Native Doctor's pay, from 19th May to 30th September 1855, @ 6 per month,	26	9	6			
Water bearer's, from ditto to ditto, @ 3,	13	4	9			
House-rent, 2-7-3. Bazar medicines and contingencies, 9-14-3,	12	5	6			
				52	3	9
By Secrole Depôt.						
Juggernath, Native Doctor's pay, from 21st May to 30th September, @ 6 per month,	21	5	0			
Water bearer's, from ditto to ditto, @ 3, 12-12-3. House-rent, 4-4-3,	17	0	6			
Bazar medicines and contingencies,	12	13	3			
				51	2	9
By Raj Ghaut Depôt.						
Khedoo, Native Doctor, from 21st to 30th May, @ 6, 2-0-0; Mulloo, ditto ditto, from 1st June to 30th September, @ 6, 24-0-0	26	0	0			
Water bearer's, from 21st May to 30th September, @ 3 per month,	13	0	0			
House-rent, 3-8-0. Bazar medicines and contingencies, 10-6-6,	13	14	6			
				52	14	6
Ditto contingencies for making compounding table and other expenses,	9	5	0			
Paid last year's balance for Europe and bazar medicines,	13	3	0			
Ditto purchase of Europe medicines for 6 Cholera Depôts,	114	2	0			
Six bottles Brandy for medicines,	10	8	0			
Petty charges,	5	2	6			
				152	4	6
Total, Co.'s Rupees	..	..	..	493	5	7

(True Copy.)

(Signed) F. M. LIND,

Magistrate.

No. 4190.—*To Commissioner of the 5th, or Benares Division.—General Department, Dated Agra, the 22nd November* 1855.

I am directed by the Hon'ble the Lieutenant-Governor to acknowledge the receipt of your letter No. 122, dated 1st instant, submitting correspondence relative to the great benefit derived from, and the preservation of life effected by, the establishment of local Cholera Depôts in the city of Benares; and in reply to state, that the results therein reported are highly satisfactory, and are creditable to all who have taken part in the establishment and management of the depôts.

2nd.—His Honor observes that it may be better, that such depôts should be formed from time to time, as a special necessity may arise, than that they should be kept up as a matter of course at particular seasons. When established, their cost is a strictly proper charge on the Municipal Funds, as far as these may suffice for the purpose.

3rd.—A copy of this correspondence will be printed, and circulated for the information of all the Commissioners and Magistrates.

No. 4564.—*General Department,—Head-Quarters, the 21st December* 1855.

READ a letter from the Under-Secretary to the Government of India, Home Department, dated the 2nd instant, No. 1446, transmitting the copy of a Despatch No. 2 of 1855, dated the 29th August, from the Hon'ble the Court of Directors, with its enclosed statistical Return, with a view to the information that is defective or wanting therein, so far as it is applicable to the North Western Provinces, being supplied at the earliest practicable period.

RESOLUTION.

1st.—The subject has engaged the earnest attention of the Lieutenant-Governor.

2nd.—A letter was addressed to the Sudder Board of Revenue, North Western Provinces, on the 28th February 1854, regarding the Memoirs of Agra and Allygurh by Messrs. Jackson and Hutchinson, wherein were laid down the principles on which the Lieutenant-Governor would wish to encourage and to publish such Treatises.

3rd.—The Lieutenant-Governor observes that, besides the statistical Memoirs referred to by the Hon'ble Court, similar volumes for the district of Goorgoan, by the late Mr. A. Fraser, and for the district of Budaon, by Mr. M. H. Court, have been published, and that for Allygurh, by Mr. Hutchinson, is now in the Press.

4th.—Every suitable opportunity, where the memorandum may be available, will be seized by the Lieutenant-Governor for securing the compilation of further statistical works of the same character.

5th.—A copy of the Hon'ble Court's Despatch, and of its enclosed statistical Return, will be forwarded to the Sudder Board of Revenue, North Western Provinces, who will be requested to furnish Mr. Christian, the compiler of the late Census Returns, with copy of the former, and to communicate all the documents, with the present Resolution, by a printed Circular for the information and guidance of the Revenue Officers throughout the Provinces.

ORDER.

Ordered, that copies of the documents indicated, and of this resolution, be furnished to the Sudder Board of Revenue, North Western Provinces, for information and guidance.

Ordered, further, that a copy of this Resolution be forwarded to the Secretary to the Government of India, Home Department, for the information of the Most Noble the Governor General in Council, in reply to letter No. 1446, dated the 2nd ultimo.

MEMORANDUM.—*General Department,—Head-Quarters,—Camp Pulwul, Dated the 22nd December* 1855.

REFERRING to the Resolution of Government of India, No. 1557, dated 23rd ultimo, published in the *Calcutta Gazette*, Saturday, December 15th, the Assistant Secretary will make arrangements for setting aside a room in the Secretariat Office, in which access to official documents shall be allowed under the general restrictions specified in the Resolution.

This access may be allowed as soon as the arrangement may be completed to representatives named by the Editors of any of the English Newspapers at present published in the North Western Provinces, or at Lahore. Admission to the room will only be granted to such persons.

The Assistant Secretary will, on the completion of the Abstracts of a week's Proceedings in any Department, note all papers in the Abstracts which it may appear to him proper to place in the public room on matters in which the public have a direct concern, according to the orders contained in paragraph 3 of the Resolution.

The Assistant Secretary will, until further orders, send these lists to the Secretary together with the Abstracts, and the Secretary, after revising them and omitting or adding papers as he may think proper, will lay the lists for final approval before the Lieutenant-Governor.

The Government records being arranged in bundles, the Assistant Secretary will explain to parties allowed to use them under the Resolution, that all papers taken out for copy or Extract, must be carefully replaced in due order in their proper bundles. This rule is to be strictly enforced.

Two printed copies of this Memorandum will be hung in the public room.

No. 2677 B.—*Notification.—General Department,—Head-Quarters,—Camp Muttra,—Thomason Civil Engineering College,—Dated the 28th December* 1855.

THE following Prospectus of the THOMASON COLLEGE for Civil Engineers at Roorkee, is published by order of the Hon'ble the Lieutenant-Governor, North Western Provinces, in supersession of the previous Notifications by Government on this subject.

SENIOR DEPARTMENT.

The Senior Department of the College consists of Commissioned Officers of Her Majesty's and the Honorable Company's Services. General Orders by the Governor General in Council, No. 585 of 1852, published in G. O. C. C., 6th October 1852, are referred to for the rules of admission to this Department. The ability of candidates to enter upon a course of Surveying, and Constructive and Mechanical Engineering, will be previously tested by an examination into their knowledge of Arithmetic, of Geometry to the extent of the first four Books of Euclid, and of Algebra to Quadratic Equations inclusive.

Besides this, there are three departments in the College, in each of which are a certain number of stipendiary students, for whom quarters are provided.

No student in any Department will be admitted, unless he can furnish satisfactory testimonials of character. He should likewise be of good constitution, and capable of undergoing fatigue and exposure in field work.

FIRST DEPARTMENT.

Candidates for admission as stipendiaries to the first Department must be under the age of 22. They must be well acquainted with the English language, able to read and write it with ease and accuracy. Natives of Upper India will likewise be

required to read and write Oordoo correctly, and to translate into that language from English, a passage from some work on Engineering subjects, which is tolerably free from technical expressions. English candidates will in like manner be required to read and write Oordoo in the Persian character.. All are required to pass an examination in Arithmetic, Algebra, Geometry, Mensuration, Plane Trigonometry, and Mechanics. They must also be able to draw simple plans correctly to scale. Candidates, on furnishing testimonials of good conduct and probable fitness for the profession of a Civil Engineer, will be examined by means of written questions to be sent by the Principal and worked out by the candidate, in the presence of some responsible person, whose nomination must be approved by the Principal.

The extent to which the examination in the subjects above enumerated will be carried, is as follows:—

Arithmetic.—In full.

Algebra.—To Quadratic Equations, including the Binomial Theorem and Surds, with elementary application to Geometry.

Geometry.—Euclid, the first 6 and 11th and 12th Books, with deductions.

Mensuration.—Of Planes and Solids.

Trigonometry.—Including the nature and use of Logarithms.

Mechanics.—Including the principles of Statics and Dynamics, Hydrastatics and Hydradynamics, with their elementary application.

Map and Plan Drawing.—Elementary.

Literature.—The reading prescribed for holders of third year junior scholarships in Government Colleges for 1855, as the test for senior scholarships, or the equivalent in other Educational institutions, forms the standard of qualification for admission into the First Department of the THOMASON COLLEGE.

The books noted in the margin are named as text books, which, from the requisite degree of proficiency on the subjects to which they relate, is attainable.

LITERATURE.	MATHEMATICS.
Goldsmith's Traveller.	Snowball's Algebra.
Campbell's Plesures of Hope. } From Richardson's Selections.	Snowball's Trigonometry.
Goldsmith's Essays—Calcutta edition.	Snowball's Mechanics.
Keigthley's England, and corresponding Geography.	Webster's Hydrostatics.

The number of stipendiary students in this Department is limited to 10. They will receive, whilst attached to the College, a subsistence allowance of Rs. 30 per mensem, and free quarters.

Their instruction at the College is designed to qualify them for the appointment of Sub-Assistant Civil Engineer, and generally for employment in connection with engineering works, and other departments of scientific labor.

Certificates will be granted to them only after the annual Examination of each year, and to those only who have completed the College course laid down for their department satisfactorily.

SECOND DEPARTMENT, (EUROPEAN.)

European Non-Commissioned Officers and Soldiers. They are required, previous to admission, to prove by examination, conducted in communication with the Principal of the College, their proficiency in Reading and Writing, Arithmetic, as far as Vulgar Fractions, Elementary Geometry, Mensuration, and Simple Plan Drawing. They must be well recommended by their Commanding Officer, and by the Executive Engineer of the Division in which they may be stationed, and furnish a certificate from a Medical Officer, of unimpaired constitution; also a certificate that they have not been at any former time dismissed from staff employment. Passed candidates will be nominated about the month of August in each year, and will join the College on the 1st of November following.

The men of this Department will be considered as doing duty at the College, and will remain on the strength of their respective Regiments, until appointed to the Department of Public Works, and brought on the strength of the Town Major's List. Whilst at the College they will wear the undress or fatigue uniform of their rank and regiment, with forage cap and cap over, and will be under the command of the Principal, and, in his absence, of the Senior Officer of the College who may be present.

They should be furnished, on joining the College, with a record of service and certificates of the last pay, rations or batta, clothing and bedding, received by them with their regiments, also of the nature of the carriage furnished to them at Government expense on their leaving their regiments. They will receive, whilst at the College, the same pay as with their regiments, including good-conduct pay, when entitled thereto, together with dry batta or ration money, and 10 rupees College allowance, which is intended to cover the cost of books and others extra expenses. When not furnished with carriage, either for tent or baggage, to enable them to join, they will receive travelling allowance at the rate of one anna per mile; and if furnished with carriage for tents only, but not for baggage, the allowance will be half an anna per mile. In either case a double allowance will be granted to married men.

They will be examined from time to time, and if they make insufficient progress, and are not steady and industrious, they will be remanded to their regiments. After the final examination at the close of each season, those who are found fit will be recommended for appointment as Assistant Overseers, and be brought on the Town Major's List from the date on which the results of the Examination are declared. They will however not be entitled to their full pay as Assistant Overseers until they shall have joined their appointments, but will receive up to that time the same pay as at the College, together with one anna per mile for the distance travelled by them in joining. This amount will be advanced to them by the Principal of the College on their leaving, but is to be paid by the Executive Officer, under whom the Assistant Overseer is directed to serve.

The number of student in this Department is limited to 30, of whom 3 may be married men, whose wives must be furnished with certificate of good character as well as themselves.

N. B.—Applications to the Principal for the examination of candidates for the 2nd Department should be accompanied by a descriptive Long Roll, and extracts, of Court Martial and Defaulter's Books, from the date of the candidate's entrance into the service.

EXHIBITIONS.

The Hon'ble the Lieutenant-Governor, North Western Provinces, has been pleased to authorize the experimental establishment, for a term of the cessation of which one year's previous notice will be given, of 12 Exhibitions, of 20 rupees each per mensem, with free quarters, in the 2nd Department of the THOMASON CIVIL ENGINEERING COLLEGE at Roorkee—the Exhibitions to be awarded upon a general examination of all candidates who may produce certificates of good characters from the directors of educational institutions of known respectability, or whose fitness to be admitted for examination may be otherwise shewn to the satisfaction of the Principal of the College.

2nd.—The tests, now in force for the entrance of Non-Stipendiary Students to this Department shall be the minimum qualification required for admission to the benefits of an Exhibition.

3rd.—The age of candidates shall be not less than 16, more than 20 years.

4th.—The Exhibitions shall be assigned to the candidates possessing the highest qualifications beyond the minimum standard, in the order of their passing the examinations.

5th.—No Exhibition shall be held for more than 2 years, and every one holding an Exhibition shall at any time be liable to lose it, in the discretion of the Principal, with the concurrence of the Visitor of the College, for misconduct or insufficient progress.

6th.—The usual time for the admission of candidate shall be on the 1st November of each year, at which date the examinations will be ordinarily held in the manner, and under the precautions, to be notified by the Principal of the College; but the names of candidates will be recorded, and examination papers may be sent to them under the like precautions, whenever the Principal of the College may find that provision needs to be made for the supply of any vacant Exhibitions.

7th.—Non-Stipendiary students admitted on the existing rule for that class, may within year from the date of such admission, take part in the competition and be eligible for an Exhibition.

THIRD DEPARTMENT, (NATIVE.)

Native students, in number 50, to whom instruction is conveyed through the medium of their own language. In this department are two divisions:—

The *Senior Division* consits of ten students, being those who, without having completed their course of instruction, stand highest at the annual College examination. They will receive, whilst attached to the College, a subsistence allowance of 10 rupees per mensem and free quarters, except in September and October, during which months they will be allowed to visit their homes.

Junior Division.—The lowest attainments qualifying for admission to the Junior Division will be a fair acquaintance with Arithmetic, including Vulgar and Decimal Fractions, Algebra to Simple Equations, Geometry to the extent of four books of Euclid, and an ability to read and write Oordôo in the Persian character, correctly and clearly from dictation.

The above to be considered the minimun standard of qualification for entry into the 3rd Department, but it is strongly recommended that some knowledge be acquired of Mensuration of Planes and Solids, and of Surveying by chain and with the Plane Table, and also of English arithmetical figures, as elementary acquirements in these branches of knowledge will be of essential service to the students on entry into the 3rd Department, and will render their course of College instruction more easy and expeditious.

The number of Stipendiary Students in this Division is 40, who receive a monthly allowance of five rupees and free quarters, during ten months of the year as above. Students of this Division will, on being found qualified, be tranferred to the Senior Division, provided the prescribed number of the latter be not thereby exceeded.

The Students of the 3rd Department will not be allowed to stay at College more than three years, and may be dismissed at any time for ill-conduct or insufficient progress; during the first year, those of the Junior Division will be expected, in surveying, to carry the chain and instruments, measure offsets, and assists generally in the surveys performed by their seniors in this Department.

The practical instruction of students of the 3rd Department in both Divisions is regulated with a view to their employment as Surveyors, Draftsmen, Assistants in Public Works, &c., according to their several abilities.

Students of the 3rd Department on obtaining employment are entitled to a travelling allowance of one anna per mile from Roorkee to the place of their destination, in addition to their College pay during the journey. The travelling allowance must be sent as an advance by the persons applying for their services. The distance should be calculated by the Post Office Polymetrical Tables, either to Meerut or Suharunpore, which are respectively 62 and 22 miles distant from Roorkee.

Admissions into the 3rd Department will take place usually after the examination occurring in August. Candidates may at this season be examined at any of the Government Collegs, at the Central School of the Vernacular School system of the Upper Provinces, at the Principal Vernacular Schools, by arrangement with Visitors General and at Roorkee; where promising students will be entered at all times as non-stipendiaries, to study with a view to qualifying themselves for admission as stipendiaries.

NON-STIPENDIARY STUDENTS.

Properly qualified candidates coming to Roorkee, and supporting themselves there at their own cost, are permitted to study with either of the Departments except the Senior, so far as means may be available for their instruction. Should the number of such applicants hereafter become numerous, moderate fees will be demanded for admission to the benefits of the institution. Instruction will continue for the present to be gratuitous, and no payments will be demanded without previous notice of one year.

The European non-stipendiary students are divided into two Classes; for the 1st Class the preliminary examination will be the same as that for candidates for the 1st Department, as far as Plane Trigonometry; for the 2nd Class the examination will be similar to that for the 2nd Department.

Quarters for both these classes are, to a limited extent, provided in Government buildings, on a payment of rent varying from Rs. 12-8 to 5 per mensem.

The subsidiary rules for admission and examination will be furnished to all applicants by the Principal.

Annual Examinations are held, whereby the students are classed according to their proficiency, and prizes are awarded to the most successful.

FINANCIAL DEPARTMENT.

No. 3 A.—*To Commissioners of Divisions.—Financial Department,—Head-Quarters, Camp Saipore, the 2nd January* 1855.

I AM desired by the Hon'ble the Lieutenant-Governor to forward, for your information and for communication through the Magistrates to the several Medical Officers in your Division, the accompanying Extract from the Proceedings of the Most Noble the Governor General of India in Council, in the Financial Department, of the 23rd November last, regarding privilege leave, and leave for short periods on private affairs, to Medical Officers:—

Extract from the Proceedings of the Most Noble the Governor General of India in Council, in the Financial Department, under date the 23rd November 1854.

Read an Extract from the Proceedings of the Most Noble the Governor General of India in Council, in the Military Department, No. 226, dated the 9th instant, forwarding, for consideration and orders, a letter No. 1267 A., dated the 20th October last, from the Secretary to the Government of the North Western Provinces, with its enclosure, enquiring what discretion is vested in the local Government in regard to the granting of indulgence leave, and leave for small periods, not exceeding three months within the limits of the Presidency, (1) to Military Officers in Civil situations, (2) to Medical Officers at Civil Stations, (3) to Chaplains.

Read also a letter No. 1347 A., of the 28th October last, from the Secretary to the Government of the North Western Provinces, addressed to this Department, on the same subject.

Read an Office Memorandum No. 4876, of the 17th instant, with its enclosure, from the Foreign Department, on the subject of short leave on private affairs to Medical Officers in Civil employ.

RESOLUTION.

With respect to the granting of short leave of absence on private affairs to Chaplains, the Most Noble the Governor General in Council would refer the Lieutenant-Governor of the North Western Provinces to Section XXXII. of the Rules of the 25th August last, for the grant of leave of absence to Civil Servants, and to the Resolution passed in this Department on the 29th September last, by the former of which "Chaplains and Assistant Chaplains may take Furlough on private affairs and on medical certificate, also short leave on private affairs on the same terms and conditions as Military Officers," with the modifications subsequently mentioned in the Absentee Rules, and by the latter of which they were placed on the same footing as Military servants in respect to sick leave in India.

With respect to *Medical* Officers, it was ruled on the 11th instant,* in the case of Dr. Thring, Civil Assistant Surgeon of Poorce, that "as under the notification issued from the Home Department on the 11th March 1853, a Medical Officer has hitherto been entitled to privilege leave on the same terms as Military Officers in Civil employ, and as such Officers have been declared by Section XX. of the Civil Absentee Rules of the 25th August last, to be subject to the Rules† laid down in the Hon'ble Court's Military Despatch No. 18 of the 31st December 1853, for the grant of leave of absence and furlough to Officers holding Military staff appointments," the case of Dr. Thring, and of Medical Officers, generally, must also be considered subject to the Rules in force in respect to the grant of "privilege leave to Military Officers in Civil employ," and His Lordship in Council is now pleased to rule in like manner in respect to short leave on private affairs other than privilege leave.

* Copy of the letter to the Civil Auditor, Bengal, No. 5005, dated the 11th November 1854, herewith annexed.

† These Rules have been subsequently modified, *vide* G. O. G. G., No. 1150 of 1854, dated 17th November.

His Lordship in Council is further pleased to rule with reference to Section XX. of the Rules for leave of absence to Civil Servants, that both Medical Officers at Civil Stations, and Military Officers in Civil employ, shall be subject in respect to privilege leave and short leave on private affairs, to the same rules as Officers holding Military staff appointments, on the understanding however that the leave shall be granted only with the sanction of Government.

ORDER.

Ordered, that a copy of the foregoing Resolution be sent to the Military Department in reply to the Extract above adverted to, and that a copy be sent to the Foreign Department, with advertence to the Office Memorandum from that Department, No. 4876, of the 17th instant.

Ordered also, that a copy of the above Resolution be sent to the Home Department for its information.

Ordered further, that a copy of the foregoing Resolution be sent to the Government of the North Western Provinces, in reply to the letter from that Government, No. 1347 A., of the 28th ultimo, and that a copy be sent to the several Local Governments noted in the margin,* and to the Civil Auditor, for his information and guidance.

* Bengal.
Madras.
Bombay.
Eastern Settlements.

No. 1262.—*Financial Department,—Agra, the 30th April* 1855.

THE following Notification, issued by the Government of India, in the Financial Department, No. 13, dated the 4th instant, is re-published for general information:—

No. 13.—*Notification.—Financial Department,—Fort William, the 4th April* 1855.

Notice is hereby given, with advertence to the Notification issued from this Department, on the 22nd January 1853, that the sum of Rs. 500 has been fixed as the minimum amount into which the stock receipts of the 4 per Cent. transfer Loan, of the 22nd April 1854, may be sub-divided in the different Loan Offices in India.

No. 2435.—*Financial Department, North Western Provinces, Dated Agra, the 17th August* 1855.

I HAVE the honor, by direction of the Hon'ble the Lieutenant-Governor, to forward for your information and guidance, the accompanying copy of a Resolution passed by the Hon'ble the President in Council, on the 19th March last, No. 1190, on the subject of the grant of gratuities to Uncovenanted Servants who have lost their appointments, by reason of the abolition of their Offices.

No. 1190.—*Financial Department,—Fort William, the 19th March* 1855.

The Director General of the Post Office in India solicits sanction to the disbursement of Rupees 1,240, in gratuities, in certain proportions, to the persons named in the margin, whose services have been dispensed with, in remodelling the Post Office Establishment at Calcutta.

As proposed by the Director General.

Names.	Salary.	Period of Service.		Gratuities recommended.	Company's Rupees.
	Rs.	Years.	Months.		
Doorga Churn Chatterjee, ..	15	18	4	6 Months' pay,	90
Sreenath Banerjee, ...	25	17	1	6 ditto,	150
Kally Puddo Ghosal, ...	12	12	10	6 ditto,	72
Mohesh Chunder Mookerjee,	10	12	0	6 ditto,	60
Sreenath Chuckerbutty, ..	20	10	1	4 ditto,	80
Mudusudun Mookerjee, ..	20	8	7	4 ditto,	80
Dwarkanath Chatterjee, ..	12	8	5	4 ditto,	48
Radhanath Bose, ...	12	8	5	4 ditto,	48
Woodoy Churn Messree, ..	10	8	0	4 ditto,	40
Nobocoomar Banerjee, ..	17	4	1	2 ditto,	34
Nilcomul Chatterjee, ...	12	4	9	2 ditto,	24
Ramrutun Banerjee, ...	10	3	3	2 ditto,	20
Gobind Chunder Banerjee, ..	20	1	8	1 ditto,	20
Surja Coomar Chatterjee, ..	20	1	4	1 ditto,	20
Kutter Mohun Mullic, ...	15	0	4	1 ditto,	15
Hurry Narain Ghose, ...	10	19	9	6 ditto,	60
Ramdhone Seerole, ...	12	27*	1	12 ditto,	141
Mohesh Chunder Chowdery,	20	15	1	6 ditto,	120
Essan Chunder Mookerjee, ..	25	8	1	4 ditto,	100
Sreenath Banerjee, ...	15	0	4	1 ditto,	15
* He drew until lately Rs 10 a month.				Total, ...	1,240

He requests also that Government will permit the service which they have performed to count as service for pension, even though there should be an interval between their discharge from the Post Office at Calcutta, and their re-employment in the service of Government.

The Hon'ble the President in Council is of opinion, that in cases of Uncovenanted Servants who have lost their appointments for no fault, but by reason of the abolition of their offices, no gratuity is to be sanctioned to those who have served less than five

years; and to others, gratuities are to be granted, proportioned to the length of their service, but in no case to exceed six months' pay. The first proposition in the present application is to be decided accordingly, but as the last proposition is in direct opposition to the orders of the Hon'ble the Court of Directors, His Honor in Council is not at liberty to sanction it.

ORDER.

Ordered, that a copy of the foregoing Resolution be sent to the Home Deparment, for communication to the Director General of the Post Office in India, and that the original papers be returned, copies being kept for record in this Office.

Ordered also, that a copy of the above Resolution be sent to the Civil Auditor, and the Sub-Treasurer, respectively.

No. 1727 A.—*To all Departments.—Financial Department.—Dated Head-Quarters, Nynee Tal, the 30th August* 1855.

I AM directed, by the Hon'ble the Lieutenant-Governor, to transmit to you for future adoption, the accompanying copy of a revised form of Pension Register for the Uncovenanted Servants of Government in the North Western Provinces.

PENSION REGISTER.

Detail of Applicant's service.

PERIOD.									APPOINTMENT.	SALARY.		
From			*To*			TOTAL.						
Date.	Month.	Year.	Date.	Month.	Year.	Years.	Months.	Days.		Rs.	A.	P.
Grand Total, ...												

REMARKS.

By Head of Office.	By Civil Surgeon.	By Medical Committee.

Register of an application for a Superannuation Pension from the establishment of the *preferred under the Rules passed by the Government, under date the 4th January* 1831.

1.	2.	3.	4.		5.			6.	7.			8.	9.						10.	11.	12.	13.			14.			15.	16.			17.	18.
													Summary of Services.																				
Name of the person by whom the pension is applied for, with the name of his father.	No. on the establishment.	Identification of Applicant's person.	Size.		Age of Applicant at the time of application.			Religion, Caste, or Tribe.	Where residing.			Present employment.	Office.	Period of service.			Salary of office.			Applicant's service, continuous or not.	How long unemployed, and under what circumstances.	Date of application to Government.	Average salary, or authorized official allowance per month for the last five years preceding the date of application.			Salary, or authorized official allowance per mensem at the time of application.			Abstract of the grounds of application.	Proposed amount of pension per mensem.			Treasury at which the party, if pensioned, wishes to draw his stipend.	Orders of Government.
			Feet.	Inches.	Years.	Months.	Days.		Zillah.	Pergunnah.	Village.			Years.	Months.	Days.	Rupees.	Annas.	Pie.				Rs.	A.	P.	Rs.	A.	P.		Rs.	A.	P.		
																																	A Pension of Rupees per mensem is granted to the Applicant. By order of the Hon'ble the Lieutenant-Governor, N. W. Provinces. *Secy. to Govt., N. W. P.* *Department,* 185 . } *The*

No. 2743.—*Notification.—Financial Department,—Dated Agra, the* 15*th September* 1855.

THE following Notification, issued by the Government of India, in the Financial Department, under date the 18th ultimo, No. 25, is re-published for general information:—

No. 25.—*Notification.—Financial Department,—Fort William, the* 18*th August* 1855.

The Hon'ble the President in Council is pleased to direct the publication of the following amendment of Section 12 of the New Civil Absentee Rules, dated the 8th June last.

Section 13.—As a general rule, when leave is granted under Section 12, such leave will be in one period only, whether for a whole month or less, and not in detached portions, to complete one month; but as an exception to this rule, it shall be discretional with the several Local Governments, where good cause is shown for the indulgence, and it is attended with no public inconvenience, to sanction leave of absence under this rule, to such parties as may not have occasion to apply for the whole at once, in instalments not to exceed in the aggregate one month in twelve months.

CIRCULAR No. 2774.—*Financial Department,—Dated Agra, the* 18*th September* 1855.

IN continuation of the Circular issued from this department under date the 4th November last, intimating that continuous service would, in future, be required as a qualification for Pensions to Uncovenanted Servants, I have the honor, by direction of the Lieutenant-Governor, to forward for your information and guidance, an extract, paragraphs 5 and 6, from a Despatch from the Hon'ble the Court of Directors, No. 57 of 1855, dated 20th June, from which it will be seen that it is not intended by the Court that this rule should be applied to cases in which a public servant might be temporarily thrown out of employment by the abolition of his office.

Extract from a Despatch from the Hon'ble the Court of Directors, addressed to the Government of India, in the Financial Department, under date the 20*th June* 1855, *No.* 57.

Letter from, dated 27*th December* 1854, *No.* 121.
Forward copy of a letter from the Government of Bengal, and its enclosures, having reference to an application for a Superannuation Pension on behalf of Gopal Chunder Saha, late a writer on the establishment of the Judge of Dacca, and report having sanctioned the grant of a pension of Rupees 12 per month, being one-third of his salary, to Gopal Chunder Saha, subject to the Court's confirmation.

5*th*.—Our orders of the 3rd March 1852, requiring, as a qualification for retiring pension, that the service of Uncovenanted Servants should be continuously passed, were not intended to apply to cases in which a public servant might be temporarily thrown out of employment by the abolition of his office, and might thus be prevented from rendering a continuous service for the period necessary to qualify for pension.

6*th*.—The case of Gopal Chunder Saha being of this description, and he being otherwise qualified, we consider him entitled, under the rules, to the pension which you have awarded to him, and we confirm it accordingly.

No. 3346.—*To the Secretary to the Government of Bombay.—Financial Department, Fort William, the* 30*th August* 1855.

I AM directed to acknowledge the receipt of your letter No. 605, dated the 26th ultimo, enquiring whether in cases in which it may be necessary to appoint a substitute

to act for a Civil Servant absent on privilege leave under the new Civil Absentee Rules, the cost of such substitute should be debited to the Absentee Fund, instead of being defrayed by the Absentee; and in reply to state that the expense incurred in such cases, may, on the opinion of the Honorable the President in Council, be debited to the Absentee Fund; as the proviso,* regarding the expense in Section 11 of the Rules of 1843, was purposely omitted in the new Rules, in order that Officers taking privilege leave might be sure of enjoying their full salaries in every instance.

* In cases when the Government may find it necessary to provide a substitute to officiate during the absence of any officer, the expense incurred must be defrayed by the absentee.

Extract from the Proceedings of the Hon'ble the President of the Council of India in Council, in the Financial Department, under date the 5th September 1855.

Read a letter from the Accountant to the Government of Bengal, No. 1016, dated 15th ultimo, with enclosure, relative to travelling and other charges connected with the attendance at the periodical examinations to be held with the view of regulating the promotion of Junior Members of the Civil Service, and other Servants employed in the Civil Administration.

RESOLUTION.

The Accountant to the Government of the North Western Provinces enquires as to the best mode of adjusting travelling allowances of Junior Members of the Civil Service attending the periodical examinations and other charges connected therewith.

He remarks, "It appears that as the examinations are departmental, there would be a congruity in such charges being debited in moieties to the Revenue and Judicial Departments respectively, and the examinations being moreover intended to regulate the promotion of Officers already employed on certain specific duties, they are in this respect dissimilar from the first examination to which Civilians alone are subjected, and which is only declaratory of their being qualified by proficiency in certain languages for employment in the Public Service."

On the whole however he considers it advisable to adjust such charges to the debit of the General Department, indicating them in an item in the receipts and disbursements.

The Accountant to the Government of Bengal concurring in this view, suggests that a uniform mode of adjustment be adopted at all the Presidencies.

His Honor in Council sees no objection to the mode of adjustment proposed, and directs that it be introduced at all the Presidencies.

ORDER.

Ordered, that a copy of the foregoing Resolution be transmitted for the information and guidance of the Governments of Bengal, Madras, Bombay, and North Western Provinces.

Ordered further, that another copy be sent to the Accountant to the Government of Bengal, in reply to his communication.

No. 3264.—*Financial Department,—Dated Agra, the* 14*th November* 1855.

I AM directed by the Hon'ble the Lieutenant-Governor, to forward for your information and guidance, the annexed copy of an Extract from the Proceedings of the Honorable the President of the Council of India in Council, in the Financial Department, under date the 17th September last, No. 3697, ruling that under the Pension

Rules for Uncovenanted Servants, a Medical Certificate is not required from a Public Servant applying for Pension on the ground of old age, and incapacity for further service.

2nd.—Copies of a Vernacular Translation of this Circular, are also forwarded for the information of all Native Officers under your orders.

No. 3697.—*Extract from the Proceedings of the Hon'ble the President of the Council of India in Council, in the Financial Department, under date the* 17*th September* 1855.

Read an Extract from the Home Department, under date the 7th instant, with enclosures, relative to requiring a Medical Certificate in the case of a Public Servant applying for Pension on the ground of old age, and consequent incapacity for further service.

Resolution.—His Honor the President in Council observes, that the Pension Rules "do not require a Medical Certificate in a case of a Public Servant incapacitated for further employment by old age;" and he is of opinion that the question of incapacity is one which should be left in such cases to "be decided by the head of the office, subject to appeal, if necessary, to the next higher Executive Authority, rather than that it should be referred to the judgment of Medical men on professional grounds." This course appears to His Honor in Council to be unobjectionable, and he desires that the Local Governments be instructed accordingly.

ORDER.

Ordered, that a copy of the foregoing Resolution be transmitted with a transcript of the extract from the Home Department, for the guidance of the Governments of Bengal, Fort St. George, Bombay, North Western Provinces, the Governor of the Strait's Settlements, and the Civil Auditor of Fort William.

Ordered also, that a copy of the foregoing Resolution and Extract be sent to the Military Department for communication to the Military Auditor General.

Ordered also, that a copy of the Resolution be sent to the Home Department, and that the letter* from the Government of Fort St. George and its enclosures, be returned.

* No. 70, dated 16th July 1855.

No. 878.—*From the Officiating Secretary to the Government of India, in the Military Department, to the Secretary to Government, North Western Provinces, Military Department.—Council Chamber, Fort William, the* 29*th October* 1855.

I AM desired by the Hon'ble the President in Council to request that, with the sanction of the Hon'ble the Lieutenant-Governor, the Civil Auditor may be instructed before auditing arrears due to Officers who may have become disconnected with the service by retirement, resignation, or dismissal, to ascertain whether there are any claims due to the Military Fund.

No. 2325 A.—*From the Secretary to Government, North Western Provinces, to the Officiating Secretary to Government of India, Military Department.—Dated the* 15th *November* 1855.

I am desired to acknowledge the receipt of your letter of the 29th ultimo, No. 878, regarding the auditing of arrears due to Military Officers who may have become disconnected with the service, and in reply to inform you that instructions to the effect therein desired, have been communicated to the Civil Auditor.

No. 41 A.—*Notification.—General Department,—Agra, the 10th January* 1856.

THE following Resolution, published by the Government of India, in the Financial Department, under date the 22nd December 1855, is re-published for general information :—

No. 34.—*Fort William,—Financial Department, the 22nd December* 1855.

Read again the Resolution passed in this Department on the 8th June 1855, directing the publication of the new Amended Civil Absentee Rules of the same date.

Read again the Resolution passed on the 18th August last, modifying Section XIII. of the above Rules.

Read paragraph 31 of the Hon'ble Court's Despatch, No. 81 of 1855, dated 12th September, suggesting an alteration in Section XII. of the above Rules.

Read a Despatch from the Hon'ble the Court of Directors, No. 91 of 1855, dated 17th October, making some amendments in Clause 5 of Section VI., and also in Sections XII. and XIV. of the new Rules.

Resolution.—With reference to the instructions of the Hon'ble Court, conveyed in the Despatches above adverted to, the Most Noble the Governor General in Council is pleased to resolve that the following modifications of the Civil Absentee Rules, dated 8th June 1855, be published in the Official *Gazette*, in supersession of those inserted in the margin, and that the Notification published on the 18th August last, amending Section XIII. of these Rules, be cancelled :—

Amended Rules.	*Existing Rules.*
Section VI., Clause 5.—If the absentee shall apply, under Medical Certificate, to remain absent for a longer period than eighteen months, or fifteen months, at any one time, and it shall appear to the Honorable the Court of Directors to be absolutely necessary, after examination by their Medical Officer in England, that he should do so, the leave which may have been granted in India will, under the orders of the Hon'ble Court, be extended to the limit of two years, with permission to retain office and half salary within the limits enjoined during such extension. If the absentee be in India, the leave may be extended to the limit aforesaid, under the orders of the Government of India, or the subordinate Governments, upon the certificate of a Board of Medical Officers to be summoned to report on the state of the absentee's health.	If the absentee shall apply, under Medical Certificate, to remain absent for a longer period than eighteen months, or fifteeen months, at any one time, and it shall appear to the Hon'ble the Court of Directors to be absolutely necessary, after examination by their Medical Officer in England, that he should do so, the leave which may have been granted in India will, under the orders of the Honorable Court, be extended to the limit of two years, with permission to retain office and half salary within the limits enjoined, during such extension.
Section XII.—The Government may grant to Civil Servants leave of absence to any place in India, Europe or elsewhere, without any restrictions whatever as to the place to which they may resort for one month in each year, without deduction	The Government may grant to Civil Servants leave of absence to any place in India, Europe or elsewhere, without any restrictions whatever as to the place to which they may resort for one month in each year, without deduction from the salaries

Amended Rules.

from the salaries and emoluments drawn by such servants: such leave, however, will only be granted when the Government is satisfied that no inconvenience will arise from the departure of the Officer seeking it. No second leave can be granted under this Rule, until the completion of eleven months from the expiration of the last leave on Medical Certificate; but servants not availing themselves of the indulgence in any one year, may obtain, under the like conditions, leave of absence for two successive months, to commence at or after the expiration of twenty-two months from the termination of their former leave; and if two years elapse without enjoyment of the privilege, leave for three months may, in like manner, be granted at the expiration of thirty-three months from the termination of the last preceding leave; but no leave shall be granted under this Rule for any period exceeding three months. If an Officer shall not return at the expiration of the period of leave granted him under this Rule, he shall forfeit all pay and allowances during the time of his remaining so absent without leave; and if he shall so continue absent for more than one month beyond the term granted, his office shall become vacant.

Civil Servants absent from their Stations under Medical Certificate cannot be admitted to leave under this Rule in continuation of their sick leave; and if, while absent under this Rule, they be granted extended leave under Medical Certificate, they shall be considered liable to the Rules applicable to leave of absence on Medical Certificate for the whole period of their absence.

Civil Servants, who have been absent on Medical Certificate during any portion of a calendar year, are not entitled to leave under this Rule during that year; nor can leave under this Rule be taken in connection with, or continuation of, leave granted under Section XIV., Clause 1.

Existing Rules.

and emoluments drawn by such servants: such leave, however, will only be granted when the Government is satisfied that no inconvenience will arise from the departure of the Officers seeking it. No second leave can be granted under this Rule, until the completion of eleven months from the expiration of the last leave; but servants not availing themselves of the indulgence in any one year, may obtain, under the like conditions, leave of absence for two successive months, to commence at or after the expiration of twenty-two months from the termination of their former leave; and if two years elapse without enjoyment of the privilege, leave for three months may, in like manner, be granted at the expiration of thirty-three months from the termination of the last preceding leave; but no leave shall be granted under this Rule for any period exceeding three months. If an Officer shall not return at the expiration of the period of leave granted him under this Rule, he shall forfeit all pay and allowances during the time of his remaining so absent without leave; and if he shall so continue absent for more than one month beyond the term granted, his office shall become vacant.

Civil Servants absent from their Stations under Medical Certificate cannot be admitted to leave under this Rule in continuation of their sick leave; and if, while absent under this Rule, they be granted extended leave under Medical Certificate, they shall be considered liable to the Rules applicable to leave of absence on Medical Certificate for the whole period of their absence.

Civil Servants, who have been absent on Medical Certificate during any portion of a calendar year, are not entitled to leave under this Rule during that year; but in determining the interval necessary to entitle a person to leave under this Rule, no reference will be made to any intermediate Leave of Absence that may have been granted under Section XIV., Clause 1.

Amended Rules.

Section XIV., Clause 1.—The Government may, on sufficient cause being shown, grant to a Civil Servant special Leave of Absence on private affairs for six months to any place in India, Europe or elsewhere, without any restrictions whatever as to the places to which he may resort, provided however that the absentee shall draw no more than one-half of his salary and allowances. After an absence of six months any office held by the absentee shall become vacant.

Clause 2.—The leave granted under this Section, if taken in India, will be computed from the date of the absentee's quitting his Station to the date of his return thereto, and if taken to Europe or beyond Indian limits, from the date of the sailing of the vessel on which he may have embarked from the Port nearest to his Station, to the date of his arrival at the same on his return to duty. A second leave of the same description cannot be taken till the expiration of six years from the date of return to duty from a former leave. No portion of the half salary allowed to be drawn will be claimable till the absentee shall have returned to his duty.

For the interval elapsing in the case of leave taken to Europe or beyond Indian limits, between departure from Station to arrival at the Port of embarkation, or between return to Port and re-arrival at Station, the Government may grant, on the same terms and conditions as the special leave, such an additional period of leave as may be considered to be absolutely required to enable the absentee to reach the Port of embarkation, or to return from the Port of debarkation to his Station.

Existing Rules.

Section XIV., Clause 1.—The Government may, on sufficient cause being shown, grant to a Civil Servant special Leave of Absence on private affairs for six months to any place in India, Europe or elsewhere, without any restrictions whatever as to the places to which he may resort, provided however that if any officer to whom such leave shall be granted shall be absent from his Station for any period exceeding that to which he may be entitled without deduction under Section XII., the absentee shall, for the period in excess, draw no more than one-half of his salary and allowances. After an absence of six months (exclusive of any period which may be granted under Section XII.) any office held by the absentee shall become vacant.

Clause 2.—The leave granted under this Section will be computed from the date of the absentee's quitting his Station to the date of his return thereto, and a second leave of the same description cannot be taken till the expiration of six years from the date of return to duty from a former leave. No portion of the half salary allowed to be drawn will be claimable till the absentee shall have returned to his duty.

FOREIGN DEPARTMENT.

No. 24 A.—*Notification.—Foreign Department,—Agra, the 24th March* 1855.

THE duties of Agent to the Lieutenant-Governor at Banda, are transferred from the Judge at Banda, to the Commissioner for the Allahabad Division for the time being, who is appointed to be also Agent to the Lieutenant-Governor, in all the Districts subordinate to him in his capacity of Commissioner.

2nd.—The Magistrate and Collector, and the Joint Magistrate and Deputy Collector of Banda, are appointed to be Ex-Officio Assistants to the Agent to the Lieutenant-Governor, within the Banda district.

3rd.—All matters arising for disposal by the Agent, shall be in the first instance taken up and dicided by the Magistrate and Collector as Assistant Agent, or by the Joint Magistrate and Deputy Collector, as the Magistrate and Collector may find to be most convenient in reference to the general duties of the district.

4th.—An appeal will lie from the decision of the Assistant to the Agent, to the Agent for the Division, acting under the directions of the Government.

No. 246.—*Notification.—Foreign Department,—Agra, the 15th September* 1855.

THE following Notification, issued by the Government of India, in the Foreign Department, under date the 31st ultimo, No. 3146, is re-published for general information:—

No. 3146.—*Notification.*

The Honorable the President in Council is pleased to publish for general information, the following Translation of a Proclamation issued by Maharajah Scindiah, abolishing the levy of Transit Duties along the entire length of the Agra and Bombay Road, passing within the Gwalior Territory.

Translation of a Proclamation issued by order of His Highness Maharajah Jyagee Scindiah, abolishing Sayer Duties on the Agra, Indore, and Bombay Road, and on the Saugor, Indore, and Bombay Road, within His Highness' Territory, dated 21st Ramzan 1271 *Hijree, corresponding with 7th June* 1855.

It is hereby notified, or proclaimed for public information, that the Government of His Highness Maharajah Scindiah, with a view to the relief of Merchants and Travellers, have, from the commencement of the present Sumbut year 1912, corresponding with 21st Ramzan 1271 Hijree, and 7th June 1855 A. D., abolished entirely the Sayer Duties hitherto levied upon the two following Roads; *viz.*

First.—The portion of the Agra, Indore, and Bombay Road from the Ghauts of Kenthree in Rajghat, upon the Chumbul, on the Frontiers of Gwalior and Dholepore, passing thence by Hingonah, Chounda, Dhunailah, Bamore, Gwalior, Nyagaon, Ghateegaon, Sipree, Kolarus, Muniah, Goonah, Bujrunghur, Ragoghur, Chachurda, on the Omerghur Frontier; Muksee and Tonk towards Indore; and *secondly*, upon the portion of the Saugor, Indore, and Bombay Road from Rahutghur, on the British and Gwalior Frontiers, to Bagrode, Gyraspore, Bhilsa, and the new bridge on the Betwa, and thence by Bhopal towards Indore.

From the above-mentioned date, no one passing along those two Roads will suffer the least impediment or detention on account of Sayer Duties; but be it known, at the same time, that the Sayer Duties hitherto levied on merchandise entering the Cities and Towns upon or near those Roads have not been remitted.

It is hereby also proclaimed, that, for the further relief of Merchants and Travellers passing from Agra by Gwalior to Indore and Bombay, the Government of His Highness Maharajah Jyagee Rao Scindiah have, for the present, remitted all Sayer Duties hitherto levied upon the Road from the Bohur Ghaut, upon the Chumbul, on the British and Gwalior Frontiers, passing thence by Umbah, Mirgaon, and Rotwal to Gwalior; so that Merchants and Travellers may proceed from Agra by the route of Shumsabad, the Ootungun River, and the Rehghanton, the Chumbul in the British Pergunnah of Pinnahut, and pass directly thence by the Rohurghaut, into the Gwalior Territory, *en route* to Indore and Bombay, without entering the Territory of Dholepore or of any other State.

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ORDERS OF THE GOVERNMENT,

NORTH WESTERN PROVINCES,

For 1855.

DEPARTMENT PUBLIC WORKS.

No. 219 A.—*Notifications.—Head-Quarters,—Camp Myhere,—Public Works Department, the 30th January* 1855.

The following Resolution for giving effect to Act VII. of 1845, within certain Divisions of the Ganges Canal, is published, with the sanction of the Hon'ble the Lieutenant-Governor, North Western Provinces, for general information, to have effect from May 1st, 1855.

1.—Act VII. of 1845, is re-published herewith for general information.

Act No. VII. of 1845, passed by the Governor General of India in Council, on the 12th of April 1845.

"*An Act for regulating the levy of Water-rent, Tolls and Dues on certain Canals for irrigation and navigation, constructed by Government in the North Western Provinces, and for the protection of the said canals from injury.*"

"Whereas numerous Canals have been constructed, and are in progress of construction at the public expense in the North Western Provinces of the Presidency of Fort William in Bengal, for the purpose of irrigation and also for navigation, so far as it may be practicable to unite the two objects, and whereas it is requisite to regulate the levy of rents, tolls or dues on such Canals, and to provide for their protection from injury:

I.—It is hereby enacted, that the Lieutenant-Governor of the North Western Provinces shall be competent, by proclamation to be made in the *Government Gazette,* to declare the provisions of this Act applicable to any such Canal.

II.—And it is hereby enacted, that the said Lieutenant-Governor of the North Western Provinces shall be competent to draw out rules to regulate the levy of water-rent, and the supply of water for irrigation, and the payment of tolls and dues on boats, rafts or floats, and admission to the benefits of navigation on such Canals, as may be found most suitable to the peculiar circumstances of each. The rules thus drawn out shall be published for general information in the *Government Gazette.*

III.—And it is hereby enacted, that any acts done by private individuals in contravention of the rules so published shall be punishable either by temporary deprivation of the benefits of the Canal, or by the penalties hereinafter described.

IV.—And it is hereby enacted, that all balances of water-rent due for lands irrigated by the Canal shall be levied either by temporary deprivation of the benefits of the Canal, or by the same process as is prescribed for the recovery of balances of land revenue.

V.—And it is hereby enacted, that whoever wilfully causes any obstruction to any of the said Canals, or to any of the water-courses drawn and supplied therefrom, or damages the banks of the Canal or the works constructed for its maintenance, or wilfully defiles the water in the Canal, shall be liable to the penalties hereinafter described.

VI.—And it is hereby enacted, that all persons offending against the provisions of this Act, or of the rules passed under this Act, shall be punishable, on conviction before the Magistrate, by imprisonment without labor for a term not exceeding fourteen days, or fine to an amount not exceeding fifty rupees, or both; and in default of payment of such fine, by additional imprisonment for fourteen days.

VII.—And it is hereby enacted, that if the owner of any boat, float or raft, navigating any such Canal, shall refuse to pay the prescribed toll, it shall be lawful for the officer charged with the levy of tolls on the Canal, to detain such boat, raft or float, and if the toll be not paid in the course of ten days, then it shall be lawful for the said officer, under the direction of the Superintendent of the Canal, on the tenth day after the seizure, to sell such property, or so much thereof as may be necessary, or to declare the whole confiscated; provided that, in all such cases, no confiscation shall be carried into effect till the circumstances have been reported to the Commissioner of the Division, and his sanction obtained thereto.

VIII.—And it is hereby enacted, that it shall be lawful for the Lieutenant-Governor of the North Western Provinces, to appoint officers for the collection of the rent, toll, and dues hereinbefore mentioned, and to confer on such officers the powers of Deputy Collectors for the levy of such rent, and of Joint Magistrates for the enforcement of such penalties as have been hereinbefore specified.

2.—Under the powers vested in the Lieutenant-Governor, North Western Provinces, by Section 1, of the aforesaid Act, the provisions thereof are declared applicable to the undermentioned Divisions of the Ganges Canal, namely:

1*st*.—The *Northern Division* extending from the Head of the Canal on the river Ganges near Hurdwar, in zillah Saharunpore, to the up-stream face of the Futtygurh Branch Head, near Jaoli, in zillah Moozuffernuggur.

2*nd*.—The *Upper Central Division* extending from the up-stream face of the Futtygurh Branch Head as above described, to the up-stream face of the Bholah Navigable Cut Head, near Bholah, in zillah Meerut.

3*rd*.—The *Lower Central Division* extending from the up-stream face of the Bholah Navigable Cut Head, as above described, to the Nanoon Regulators near Nanoon, in zillah Allygurh.

3.—Under Section VIII. of the aforesaid Act, the Superintendents of the foregoing Divisions of the Ganges Canal are invested with the powers of Deputy Collectors for the levy of rates and dues, and of Joint Magistrates for the enforcement of penalties under the said Act, and their Deputies are declared competent to exercise the same powers under their directions and subject to their control. The subordinate establishments of such Superintendents have the powers of subordinate Revenue and Police Officers for the purposes above described. An appeal lies direct to the Commissioner of the Division against orders passed by the Superintendent in the capacity of Deputy Collector, and to the Sessions Judge, against orders passed in the capacity of Joint Magistrate. The Superintendents may, in their discretion, revise the orders of Deputy Superintendents and Deputy Magistrates within ten days from the date on which they are passed; their decisions upon such revision will be appealable as above stated, as will also the orders of the Deputy Superintendents and Deputy Magistrates, when not so revised.

4.—The jurisdiction of Ganges Canal Officers exercising the powers of Joint Magistrates under the aforesaid Act is declared to extend over all places within the established boundaries of their respective divisions and for ten yards on each side of every

channel supplying water to more than one village, and over the bed and banks of every channel supplying water to a single village, and over every plantation, building and enclosure, the property of Government, and under the charge of such Officers. Beyond these limits they have concurrent jurisdiction with the Magistrates of Districts, for the pursuit and apprehension of offenders against the provisions of the aforesaid Act.

5.—Under Section II. of the aforesaid Act, the following rules are passed and declared to be in force within the abovementioned Divisions of the Ganges Canal.

RULES FOR THE GANGES CANAL.

Fixes the designations of the standard measure and its parts.

6.—I.—The standard measure for water issued from the Ganges Canal shall be termed the "Pymanah," and shall be divided decimally into "Duswas" and "Duswansees" thus:

10 Duswansees, = 1 Duswa.
10 Duswas, = 1 Pymanah.

Defines the conditions of the Pymanah of water.

7.—II.—The standard measure or "Pymanah" shall consist of that quantity of water which shall flow in one second of time through a rectangular opening (1′·00) one foot in length by (0′·4) four-tenths of a foot in height or breadth under a constant head of pressure of (0′·3) three-tenths of a foot measured from the upper edge of the opening. This opening shall have its lower edge horizontal; it shall be made in a slab of stone or other material not more than (0′·2) two-tenths of a foot thick or as much less as may be practicable; the water shall arrive at it with the least possible velocity, and shall escape from it with a free run.

Limits the volumes of single outlets.

8.—III.—No single opening in any outlet for irrigation shall be made to discharge more than four Pymanahs of water.

Authorizes applications being made for water from the Ganges Canal.

9.—IV.—The water of the Ganges Canal shall be issued from the authorized irrigation or other channels to parties wishing to make use of the same for purposes of irrigation, or otherwise, in such quantities as may be applied for, subject to established limitations and conditions.

Prescribes the constant use of the Pymanah and its points in applications for water.

10.—V.—All applications shall invariably be expressed in terms of the standard Pymanah or its parts, and if any are received in which other terms are employed they shall be regarded as informal and returned for correction to the parties by whom they may have been submitted.

Determines the duration of contracts for water.

11.—VI.—Water for irrigation may be issued, on equal terms to all parties similarly circumstanced, by contracts for fixed periods, no contract being for less than the entire period from the sowing to the reaping of either the Khurreef or the Rubbee crops.

Bars the use of water given under contracts for irrigation in other ways unless specially provided for.

12.—VII.—No contract for water to be used for irrigation shall be held to give power to employ the said water in any other way whatsoever, unless such be specified in the contracts.

Prohibits waste of water and provides for disposal of surplus water under contracts.

13.—VIII.—No contract for water shall be held to give to the contractor any power to waste the supply granted to him. If under the terms of his contract he shall have surplus water available for use, he shall be at liberty to dispose of the same to parties not belonging to the village within

which his land is situated, at such rates as he can obtain, and provided such parties have land so situated in respect to levels as to be adapted for irrigation by the surplus water in question, and are willing to pay the rates demanded, the contractor must accept their offers. But if by reason of the contractor demanding exorbitant rates for the surplus water or from any other cause wastage is incurred, the Superintendent concerned in the contract shall have power either to reduce the supply originally granted to the contractor making a ratable reduction in the charges, or to take possession of the said surwastplus water. Provided in either case;

1*st*.—That one week be allowed to elapse from the date on which the fact of wastage was proved before him; and,

2*nd*.—That the contractor be duly warned of the existence of this wastage, and required to provide against the continuance of the same within the time specified above.

In default of such provision by the contractor, the Superintendent in taking possession of the surplus water shall be competent to dispose of the same at Rates not less than those in ordinary use on the Canal, and for a period equal to the unexpired portion of the contract, crediting one-half the proceeds to Government and the other to the contractor.

Grants free use of water under contracts at all times and seasons when the supply is equal to the demand.

14.—IX.—When the supply of water in the Canal is sufficient to meet the demand upon it, contractors shall have command of the quantities of water granted to them under their respective contracts at whatever times and seasons may best suit their own convenience, subject to Canal Police Regulations.

Provides for deficiencies of supply.

15.—X.—In the event of a deficiency of the Canal supply the Superintendents of Divisions shall have power either to regulate the distribution of the quantity of water available for irrigation in such manner as that the whole volume shall be divided among the contractors as nearly as possible in proportion to the quantities specified in their respective deeds of contract, or to close entirely such number of outlets as may be expedient, proceeding successively in the order of the dates of the contracts for such outlets, beginning with the most recent. Provided in both cases, that remission of water-rate be granted when the deficiency exceeds the amount authorized by the Rules.

Reserves power to close the Canal entirely for general repairs of clearance, and bars claims for remission of water-rate unless the closure exceeds 60 days' duration in the year.

16.—XI.—Superintendents of Divisions shall have power to turn off the whole of the water entering their respective Divisions for purposes of repair or clearance at two separate periods, in every year; namely, at the termination of the Irrigating season for the Fussil Rubbee and when the Rainy season terminates, and no contractor shall have any claim for compensation for loss of water during those periods unless they shall exceed sixty days in aggregate duration.

Reserves further power to close the Canal entirely for minor exigencies, and bars claims for remission of water-rate unless the closure exceeds 7 days' duration in 28.

17.—XII.—Superintendents of Divisions shall have power to turn off the whole of the water entering their respective Divisions at any time when the exigencies of the works require their so doing, and no contractor shall have any claim for remission of water-rate unless,

1*st*.—Such stoppage of the Canal shall exceed (7) seven days in duration calculating from the time at which the Regulating Bridge at the Head of the Division was closed, and

2*nd*.—Unless such stoppage be made at an interval of less than (21) twenty-one days from any previous stoppage, calculating from the time at which the Division

Regulating Bridge was open to re-admit water on the termination of the stoppage last referred to.

Reserves power to close water-course heads unconditionally from sunset to sunrise.

18.—XIII.—Superintendents shall have power to close at their discretion any irrigation outlets in their respective Divisions from sunset to sunrise, and no contractor shall have any claim for remission of water-rate in consequence of such closure.

Reserves power to establish Tatoels on water-courses, and barring claims to remission of water-rate unless their duration exceeds 2 days in the week.

19.—XIV.—Superintendents of Divisions shall have power to establish "Tateels" being local and partial stoppages, for the purpose of distributing the water among the contractors, within the limits of their respective Divisions, either on the Main Canals, its branches or Rajbuhas, and no contractor shall have any claim for remission of water-rate in consequence, provided that under this Rule, he be not deprived of the quantity of water specified in his contract for more than two days in every seven.

Prescribes terms of contracts for water to be employed otherwise than in irrigation.

20.—XV.—Contracts for Canal water, to be employed otherwise than for irrigation, shall be arranged between the Superintendents of Divisions, and the parties applying for the water, on terms of equality to all applicants in like circumstances, though with special reference to the facts of each case, under the limitations, conditions and provisions which have been before prescribed in the case of contracts for irrigation in so far as these are applicable.

Authorizes the use of Rajbuha water gauges for calculations to regulate claims for remission of water-rate.

21.—XVI.—The water gauges on Rajbuhas shall be held to furnish authoritative data for all calculations of discharge required to verify claims by contractors for remission of water-rate on account of loss of water beyond the limits fixed by these Rules.

Fixes the terms of remissions of water-rate under these Rules.

22.—XVII.—Remissions of water-rate shall be granted *ratably* on all loss of water beyond the limits fixed by these Rules, the rates of payment for each Pymanah or part of a Pymanah lost being the same as those entered in the original deed of contract with the contractor claiming remission.

Establishes a scale of maximum water-rates.

23.—XVIII.—Rates not exceeding the following shall be charged for water issued from the Ganges Canal for the irrigation of land.

1*st*.—In "Tor Irrigation" or when the water flows naturally over the surface of the land to be irrigated, the annual charge for the use of the following volumes under the terms of the Rules shall not be more than

Rupees 220 per Pymanah.
Ditto 22 per Duswa.
Ditto 2¼ per Duswansee.

2*nd*.—In "Dal Irrigation" or when artificialmeans are necessary to raise the water so that it may flow over the surface of the land to be irrigated, the annual charge as above defined shall not be more than

Rupees 150 per Pymanah.
Ditto 15 per Duswa.
Ditto 1½ per Duswansee.

3*rd*.—In agreements for water made for each Fussil the charges shall not be more than

a.—For "Tor Irrigation" during the Fussil Khurreef:

Rupees 145 per Pymanah.
Ditto 14½ per Duswa.
Ditto 1½ per Duswansee.

b.—For "Tor Irrigation" during the Fussil Rubbee:

Rupees 75 per Pymanah.
Ditto 7½ per Duswa.
Ditto 0¾ per Duswansee.

c.—For "Dal Irrigation" during the Fussil Khureef:

Rupees 100 per Pymanah.
Ditto 10 per Duswa.
Ditto 1 per Duswansee.

d.—For "Dal Irrigation" during the Fussil Rubbee:

Rupees 50 per Pymanah.
Ditto 5 per Duswa.
Ditto 0½ per Duswansee.

Makes water-rates payable at the same time and in the same manner as land-rent.

24.—XIX.—Water-rate due on contracts for irrigation shall be payable by instalments, on the same dates and in the same proportions as the instalments of land revenue due for the lands watered.

Commits the realization of water-rates to Tehseeldars nominated thereto by Collectors of Districts, but acting only on the requisitions of the Canal Officers.

25.—XX.—Superintendents of Divisions shall have power to settle and apportion the demand of Government for water-rate due on contracts entered into by them, under such instructions as may from time to time be communicated to them, and the realization of the water-rates thus settled and apportioned, will be made on the requisition of Superintendents of Divisions by Tehseeldars nominated thereunto by the Collectors of the Districts within which irrigated lands are situated.

Fixes the manner of payment under contracts for water to be used otherwise than for irrigation.

26.—XXI.—When contracts are entered into between Superintendents on the part of Government and private individuals for the use of water as a motive power or for any purpose whatever other than for the irrigation of land, the rate to be paid for the use of the water and the times of payment shall be settled by mutual agreement on like terms to all parties similarly circumstanced, and with special reference to the nature of each case.

Grains to villages consuming more than half a Pymanah of water in irrigation, permission to employ the same for watering cattle or domestic purposes without further charge.

27.—XXII.—The inhabitants of villages within which Canal water is employed for irrigation under contracts for not less than half a Pymanah whether "Tor" or "Dal" shall be exempt from all charges for watering their cattle and for water required for domestic purposes.

Fixes a scale of rates for the consumption of water in watering cattle or filling Tanks by villages using less than half a Pymanah of water in irrigation.

28.—XXIII.—Villages within which water is employed for irrigation in quantities less than one-half a Pymanah per annum as above, shall be liable to the following charges for watering their cattle or filling their tanks.

For watering Cattle, per 100, Rupees 6 per annum.

For watering Sheep or Goats, per 100, Rupees 2 per annum.

For filling tanks, the contents of which are not to be used for the irrigation of land, the water shall be paid for at the rate of 1 Rupee for every 6,000 cubic feet in bulk.

Fixes a scale of rates for Transit.

29.—XXIV.—The Canal shall be open for transit by rafts on payment of rates not exceeding those given in the following scale:

1st Class, including Saul, Toon and Sissoo Timbers, above 2½ feet in girth, Ash and Fir spars, Kolhoos, and large Saul Golahs per score (20) per mile,
Rupees -- -- -- -- -- -- -- -- -- -- -- -- --0 2 9

2nd Class, including Timbers under 2½ feet in girth, small Saul, Golahs, Bullas, Botahs, Turruks, Pharahs, Kurries, Tors, Bullies, Plank Packs, Planks, Lats for Kulhoos and Tarun, per score (20) per mile, Rupees	0	0	3
3rd Class, Miscellaneous articles, viz. Bamboos, per 1,000 per mile, Rupees	0	0	7
Firewood, per 1,000 maunds per mile, Rupees -- -- -- -- -- --	0	1	2
Ban, &c., per 1,000 maunds per mile, Rupees -- -- -- -- -- --	0	1	2
Surkundah, per 1,000 bundles per mile, Rupees -- -- -- -- -- --	0	1	2
Grass, per 1,000 bundles per mile, Rupees -- -- -- -- -- -- --	0	0	1

Rates for other articles than are included in the preceding classes will be made public from time to time as required.

Prescribes the manner of granting Rowanahs for Rafts.

30.—XXV.—Rowanahs specifying all necessary details will be granted to parties on application, by the Superintendents of Divisions or their authorized Agents, and the amount of the Transit duty shall be payable on the issue of such Rowanahs. Rafts entering the Canal unprotected by Rowanahs shall be subject to the penalties prescribed by the Canal Act.

Fixes conditions to be observed with rafts, portions of which are landed at points intermediate between the beginning and the end of the trip.

31.—XXVI.—The Rowanahs of Rafts consisting of articles which are to be landed in portions intermediately between the starting point and the terminus of the trip shall specify the places at which the said portions are to be landed, and the precise kinds or quantities of the articles composing them. The Canal Agent at each landing place will certify on the Rowanahs that the prescribed terms have been complied with, and parties violating the same shall be liable to the penalties fixed for such Acts in the Rules framed under the authority of the Canal Act.

Gives power to Superintendents to examine suspected Rafts.

32.—XXVII.—Superintendents of Divisions shall have power to cause any raft to be examined at any point in its progress provided they have reason to suspect that its proprietors or the parties in charge of it are attempting to evade the Canal Rules, and parties convicted of such evasion shall be punishable as above stated.

Prescribes measures to be taken when the end of the trip is reached.

33.—XXVIII.—On reaching the terminus specified in their Rowanah, the parties in charge of any Raft shall forthwith deliver the said Rowanah to the local Canal Agent, who will satisfy himself that its terms have been duly complied with, and when this has been done the Raft shall be immediately removed from the Canal Channel.

Fixes the dimensions of Rafts.

34.—XXIX.—With reference to the size of the chambers of the Canal Locks, not Rafts will be permitted to enter the Canal, the dimensions whereof exceed the following standard:—

Length, -- -- -- -- -- --	90 feet.
Breadth, -- -- -- -- -- --	14 „
Depth, -- -- -- -- -- --	4 „

Prescribes terms on which Boats, the property of private individuals, will be allowed to ply on the Canal.

35.—XXX.—Boats, the property of private individuals, will be permitted to ply on the Canal on such terms as may be agreed upon between the Superintendents of Divisions and the parties concerned.

Intimates that the scale of Transit Rates for Boats, the property of Government, will be published hereafter.

36.—XXXI.—The Tariff of Transit duties on articles carried in Boats, the property of Government, will be published hereafter for general information.

Provides for a clear distance of 5 yards between Channels belonging to different proprietors.

37.—XXXII.—Parties holding contracts for water from the Ganges Canal shall be bound in constructing their channels whether on their own lands or on the lands of others, to leave a clear space of 5 yards

between the ordinary water-marks of such channels and the corresponding marks in the channels belonging to others constructed previously to and in the vicinity of their own. And for the purposes of this rule the distance above fixed shall be measured from water-mark to water-mark, at the points where these lines approach nearest to each other in the channels respectively concerned.

Prescribes efficient measures for interior drainage of villages using Canal water for irrigation.

38.—XXXIII.—Parties holding contracts for Canal water shall be bound in constructing their channels to make such provisions as in the judgment of the Superintendent concerned, are sufficient to insure the unimpeded flow of all drainage waters from their lands to the natural escape lines of the country, or to the nearest artificial escape which is connected with any of these natural lines, and in default of such provisions being made in the form of under-drains to the channels or otherwise as local circumstances may make most expedient, it shall be competent to the Superintendent concerned to cause the requisite works to be constructed himself, and to recover the amount thus expended from the defaulting parties in the manner prescribed for Tukkavee advances.

Makes the decisions of Superintendents of Divisions confirmed by the Director final on all points involving professional or scientific considerations.

39.—XXXIV.—In all the disputed cases arising on the application of the foregoing rules, which must be decided on professional or scientific considerations, the decisions of the Superintendents of Divisions, approved and confirmed by the Director, shall be final.

Enjoins Settlement of disputes by mutual agreement of parties concerned whenever possible.

40.—XXXV.—In all cases of disputes on matters which involve no scientific considerations, the Superintendents of Divisions shall make every effort to settle the differences by mutual agreement between the parties concerned.

Prescribes Settlement of disputes by arbitration when it may be impracticable to effect the same by mutual agreement.

41.—XXXVI.—If Settlement of matters in dispute by mutual agreement be found impracticable, then it shall be competent to the Superintendents to refer such matters to a Committee of arbitration consisting of one Member for each of the interested parties and one nominated by the Superintendent of the Division concerned. In the event of an equal Division in the Committee the nominee of the Superintendent shall have the casting vote, but otherwise the majority shall decide, and their decision shall, after approval by the Superintendent, be regarded as final.

Provides for the supply of labor under circumstances of emergent necessity arising from breaches of the Embankments of the Canal or other serious injury to public and private interests.

42.—XXXVII.—On occasions of emergent necessity when serious accidents to the Canal Embankments or other works whereon the control of the water depends, are to be anticipated, or when such accidents have actually happened, and the supply of labor obtainable under ordinary circumstances and by ordinary means is inadequate to prevent or repair such accidents, then, in consideration of the great public and private interests at stake, it shall be competent to the Superintendents of Divisions to require, under the penalty stated in the following article, extraordinary assistance from any village using Canal water.

43.—The proprietors and cultivators of villages, on whom such a requisition may be made, shall be held to have forfeited their rights to irrigation from the Canal in the event of their supply failure to labor at the current rates of payments, in proportion to their population, for employment during the period for which the special emergency may last. It shall however be incumbent on the Director to restrict the application of this rule by Superintendents to those formidable emergencies, against which only it is meant to

provide, and on no account to allow it to be used directly or indirectly as a means of procuring labor under any other circumstances whatsoever.

Provides against boats or rafts entering the Canal without due authority.

44.—XXXVIII.—The owners of boats or rafts entering the Canal without due authority shall be liable to a fine not exceeding twenty rupees for each offence, and the boats and rafts themselves shall be immediately removed from the Canal Channel at the cost and risk of the owners.

Imposes double mileage rates on rafts proceeding down the Canal unprotected by a Rowanah for the whole distance open to traffic at the time of the offence being committed.

45.—XXXIX.—Rafts proceeding down the Canal unprotected by a Rowanah shall be liable to double mileage rates on the articles of which they are formed for the greatest distance on the Canal open for transit by rafts, at the time of the offence being committed.

Imposes double mileage rates on articles landed without authority at places, other than those specified in the Rowanah.

46.—XL.—Double the proper mileage rates shall be leviable on all articles landed elsewhere than at the place or places specified in the Rowanah, unless the permission of the Superintendent concerned has been previously obtained.

Imposes double mileage rates on all articles in excess of those specified in the Rowanah, and subjects rafts covered by fraudulent Rowanahs to confiscation.

47.—XLI.—Double the ordinary mileage rates shall be leviable on all articles in excess of the numbers of each kind or class specified in the Rowanah, and any fraudulent alteration of these numbers shall render the entire raft liable to confiscation.

Prescribes measures to be taken when Rafts lodge accidentally against Canal works and endanger their safety.

48.—XLII.—Rafts lodging accidentally against Dams or other Works, and thereby obstructing their free action, shall at once be broken up and removed by the Canal Establishment on the spot, but every assistance in re-forming them shall be afforded to the parties in charge. The owners or parties in charge of Rafts wilfully or negligently placed in like positions shall be punishable under Section 5, Act VII. of 1845.

Directs that Rafts be removed from the Canal Channel within 48 hours after their arrival at their destination.

49.—XLIII.—Rafts on which all dues have been paid shall be removed from the Canal Channels within forty-eight hours after their arrival at their destination, and in the event of further delay they shall be broken up and landed by the Canal Establishment on the spot at the cost and risk of the owners.

Fixes certain protective distances, for stations, towns and villages on sanatary considerations.

50.—XLIV.—On sanatary considerations no water shall be issued from the Ganges Canal for the irrigation of Khureef crops within the following distances from inhabited places.

From Military Stations, -- -- -- -- -- -- -- -- -- --	5 miles.
From Native Towns, containing more than 10,000 inhabitants, -- --	1 ditto.
From Native Towns, containing more than 5,000 inhabitants,-- -- --	0½ ditto.
From large Villages, containing more than 1,000 inhabitants,-- -- --	0¼ ditto.
From Villages, containing less than 1,000 inhabitants, -- -- --	200 yards.

And for the purposes of this rule the distances specified shall be measurable from the outermost houses forming part of the Station, Town or Village concerned.

Gives power to Superintendents to refuse water for the irrigation of naturally malarious localities.

51.—XLV.—It shall be competent to Superintendents of Divisions, with the sanction of the Director, to refuse to grant water for irrigation in localities which appear naturally to possess a malarious character.

52.—XLVI.—It shall be incumbent on Superintendents of Divisions to cause all refuse vegetable matter collected during clearances of the bed or banks to be burned with the least possible delay.

Prescribes the immediate destruction by fire of all refuse vegetable matter collected in clearances of the Canal.

No. 381 A.—*Public Works Department,—the 8th March* 1855.

CAPTAIN S. O. E. Ludlow, Superintending Engineer, Saugor and Nerbudda Territories, to have also the powers of Chief Engineer, according to the rules declared in the G. O. of the Supreme Government, No. 430, dated 21st April 1854, for all works in the Civil Department under the control of this Government in those Territories.

The two divisions of the Great Deccan Road, from the point at which that road passes beyond the limits of the Allahabad district, and the portion of the Agra and Bombay road, from a point a few miles north of Beora to the Sindwa Ghât, south of the Nerbudda, are placed within the circle of superintendence of the Superintending Engineer of Saugor, under the above arrangement.

No. 720.—*To Commissioners of Divisions, including Saugor.*
Chief Engineer, North Western Provinces.
Superintending Engineer, Saugor Division.
Dated Agra, the 8th March 1855.

I AM directed by the Hon'ble the Lieutenant-Governor to transmit, for your information and guidance, the accompanying copy of a letter No. 33, from the Secretary to the Government of India, Home Department, dated the 12th January last, on the subject of placing the building of Churches in the North Western Provinces, under proper superintendence.

No. 33.—*From the Secretary to Government of India, to the Secretary to Government, North Western Provinces.—Home Department,—Ecclesiastical,—Dated the 12th January* 1855.

The accident which occurred to the Church at Peshawur in 1853, having shown the necessity of placing the erection of such buildings under proper superintendence. I am instructed by the Most Noble the Governor General in Council to request that the Hon'ble the Lieutenant-Governor will have the goodness to issue orders for placing, in future, the building of Churches in the North Western Provinces, under the supervision and control of the Superintending Engineer of those Provinces.

CIRCULAR No. 444 B.—*To Magistrates and Collectors, North Western Provinces.*
Department Public Works,—Agra, the 21st March 1855.

I AM directed by the Hon'ble the Lieutenant-Governor to transmit to you Extracts from a correspondence noted in the margin*, regarding Telegraphic messages, together with copies of the printed Notifications in Oordoo and Hindee, and to request your attention to paragraph 2 of my letter to the address of Dr. O'Shaughnessy.

* Paragraph 6 of a letter from Superintendent Electric Telegraph in India, dated 8th March 1855, No. 47.
Paragraph 2 of the orders of Government in reply of this date.

Extract, paragraph 6, of a letter from Superintendent Electric Telegraph in India, to the Secretary to Government, North Western Provinces.—Dated the 8th March 1855, No. 47.

Paragraph 6.—I solicit with much respect the issue of orders by the Hon'ble the Lieutenant-Governor to the above effect, and I look with confidence to the result being a great accession of business to the lines in the North Western Provinces.

Extract, paragraph 2, of a letter from the Secretary to Government, North Western Provinces, to Superintendent Electric Telegraph in India.—Dated the 21st March 1855, No. 444 A.

Paragraph 2.—Extract (paragraph 6) of your letter will be sent through the Commissioners, to the several Magistrates, with a number of the printed Notifications in Oordoo and Hindee, with instructions to make the tenor of your observations as widely known as may be readily practicable.

No. 451 A.—*Notification.—Public Works Department,—Agra, the 22nd March* 1855.

In modification of the irrigation rates declared in Rule 5, I. and Rule 24, I. of the Resolution of Government, dated the 31st of May 1845, the following rates have been adopted, to have effect from the 1st May 1855.

ON THE EASTERN JUMNA CANAL.

Description of the Produce.	*On land irrigated by natural flow of water (Tor.)*	*On land irrigated artificially by machinery (Dal.)*	*For what Period.*
	Per Canal Beegah.	Per Canal Beegah.	
First Class.—Fruit, Nursery and Vegetable Gardens, Indigo, Sugarcane, Tobacco, cultivated Grasses, as Lucerne, Guinea Grass, &c., Ajwain and similar herbs, Rice, Cotton, Wheat, Oats, Indian-corn, Goochnee, Vegetables (single crop), Safflower, ...	0 12 0	0 8 0	Per annum, or crop.
Second Class.—Grain, Barley, Oil-seeds, Chunnah, Jowar, Pulse, of all kinds, ...	0 6 8	0 5 0	Per crop.

ON THE DHOON CANALS.

Description of the Produce.	*On land irrigated by natural flow of water (Tor.)*	*For what Period.*
	Per Canal Beegah.	
First Class.—Fruit, Nursery and Vegetable Gardens, Indigo, Sugarcane, Tobacco, Singharras, cultivated Grasses, as Lucerne, Guinea Grass, &c., Ajwain and similar herbs, Rice grown in kyarees or beds, ...	0 12 6	Per annum, or crop.
Second Class.—Rice not grown in kyarees, Cotton, Wheat, Oil, Indian-corn, Goochnee, Vegetables (single crop), Safflower, Grain, Barley, Oil-seeds, Chunnah, Jowar, Pulse, of all kinds, ...	0 5 0	Ditto.

No. 1648.—*Notification.—Public Works Department,—Agra, the 24th April* 1855.

THE Lieutenant-Governor is pleased to re-publish, for general information, the following Notification, No. 14, dated 10th instant, issued by order of the Hon'ble the President in Council.

No. 14.—*Notification.—Public Works Dept.,—Fort William, the 10th April* 1855.

The Hon'ble the President in Council is pleased to promulgate the following rules for the supply of funds to the Department of Public Works, in supersession of those notified in the Government General Order 765, of 27th July, 1854, which is hereby cancelled:—

Rule 1.—The issue of assignments will cease from 1st June 1855, and from and after that date supplies of cash to the Department of Public Works will be made from Civil Treasuries on letters of credit granted by the Chief Engineers, in each of the three great Divisions of Bengal, the North Western Provinces, and the Punjab.

Rule 2.—The several Executive Officers of the Department will submit Monthly estimates of their probable requirements to the Chief Engineers of their respective Divisions, who, after examination thereof, will, at their discretion, issue letters of credit on the local Treasuries in the subjoined form.

Rule 3.—The Executive Officers will draw against the credits thus allowed by means of receipts in duplicate, from a counterfoil Check Book as for Drafts, in regular series of numbers, commencing from the 1st May, and ending on the 30th April of each year.

Rule 4.—The Officers in charge of local Treasuries will enter and attest with their signature all issues of cash at the time of payment on the back of the letter of credit, which is to be returned immediately after the close of each month to the Accountant of the Government of Bengal, in the case of letters of credit granted by the Chief Engineer of the Bengal Division, and to the Accountant at Agra, as regards those granted by the Chief Engineers of the North Western Provinces and the Punjab. After the close of each month, the Officers in charge of the Treasuries will supply the several Executive Officers with a brief account current, showing on one side the amount of the letter of credit, and on the other the numbers, dates and amounts of the receipt cashed.

Rule 5.—In cases of unforeseen emergency, where delay might be productive of inconvenience to the Public Service, advances urgently required may be drawn by Executive Officers from Civil Treasuries on the order of the Chief Civil or Military Authority of the station, subject to the rules and conditions prescribed in the General Orders marginally noted, such advances being notified immediately after payment to the Chief Engineer and to the Accountant, to whom the recipients may be responsible for the due appropriation thereof.

G. O. C. C. 27th May 1811.
G. O. G. G. No. 19, of 16th January 1824.
G. O. G. G. No. 105, of 10th May 1828.
G. O. G. G. No. 14, of 17th January 1829.

FORM.

No. *of* 1855-56, *dated* 185 .

TO THE COLLECTOR OF

SIR,

I have the honor to acquaint you, that credit has been allowed on your Treasury to ———————————— Executive Engineer — ———— Division, to the extent of Co.'s Rs. ———————— during the month of ———————— You will be good enough to honor his receipts to that extent under the rules promulgated in the Government G. O. No. ————, dated the ——— ———.

———————

Chief Engineer.

No. 799 A.—*Notification.—Public Works Department,—Head Quarters, the 16th May* 1855.

THE modified rates for irrigation, sanctioned in Government Notification of the 22nd March last, No. 451 A., for the Eastern Jumna Canal, are extended also to the Western Jumna Canals, to have effect from the 1st proximo.

No. 1322 A.—*Notification.—Public Works Department,—Head-Quarters, the 21st July* 1855

ACT VII. of 1845, together with the Resolution, No. 219 A., dated 30th January 1855, published in the *Gazette* of the 20th of February last, are hereby declared to be applicable from September 1st next, to the undermentioned Division of the Ganges Canal; viz.

The Cawnpore Terminal Division, extending from the down stream face of the Nanoon Regulators, near Nanoon, in Zillah Allygurh, to the junction of the Canal with the River Ganges, at Cawnpore, in Zillah Cawnpore.

No. 1330 A.—*Notification.—Department Public Works,—Head Quarters, the 23rd July* 1855.

THE following Schedule of rates to be paid by private Boats, navigating the Ganges Canal, is notified under Section 2, Act VII. 1845:—

1st.—Boats, the property of private individuals, plying on the Canal, and carrying goods either for the owners or others, shall pay four rupees for each Boat for a whole month, or for any broken portion of a month exceeding (15) fifteen days.

2nd.—Such Boats passing into the Canal, and passing out of it again, within a term of fifteen days or less in any month, shall pay (2) two rupees upon every entry into the Canal.

3rd.—Pleasure Boats of every description kept, or used in the Canal, shall pay one rupee per month for each Boat.

4th.—No Boats, exceeding (14) fourteen feet in breadth, shall be permitted to enter the Canal.

The rates, and conditions, on which Freight will be carried on the Canal on Government Boats, or on which Government Boats can be obtained on hire, will be notified by the Director of the Canal.

No. 1480 A.—*Notification.—Public Works Department,—Head-Quarters, the 3rd August* 1855.

WHENEVER it may be proposed by any of the District Committees to build a bridge over any of the main rivers near the course of the canals constructed by Government in the districts noted in the margin*, it shall be the duty of the Secretary to the Committee to forward the plan to the Superintendent of the Canal Division, for transmission to the Superintendent of Canals, North Western Provinces, and the opinion of

1. Scharunpoor.
2. Mozuffernugger.
3. Meerut.
4. Boolundshehur.
5. Allygurh.
6. Furruckabad.
7. Mynpoorie.
8. Agra.
9. Etawah.
10. Cawnpoor.
11. Futtehpoor.
12. Paneeput.
13. Dehlie.
14. Goorgaon.
15. Rohtuck.
16. Hurrianah.
17. Bijnore.
18. Moradabad.
19. Budaon.
20. Bareilly.

the Superintendent shall be received as conclusive, as to the sufficiency, or otherwise, of the water-way provided by the plan, or as to any modifications of it which he may think necessary.

Where a District Fund Committee may apply to any Canal Officer for the design of a Bridge, the execution of the work upon this design shall, ordinarily, be entrusted to such Officer, when he may live sufficiently near to give an active personal superintendence to it. Where, however, any other competent Officer may be more conveniently situated for this purpose, the Committee may avail itself of his services, reporting the circumstance, through the Commissioner, for the information of the Government.

No. 1689 A.—*To Commissioners of Divisions.—Public Works Department.*

Dated Nynee Tal, the 24th August 1855.

I AM directed by the Hon'ble the Lieutenant-Governor to forward, for your information and guidance, a copy of the correspondence noted in the margin*, on certain points regarding the mode of preparing the prescribed Road and Ferry Fund Statements.

*From Commissioner, Benares Division, No. 38, dated 31st July 1855, with enclosure.
To ditto, No. 1688 A., of this date.

No. 38.—*From Commissioner, 5th Division, to the Secretary to Government, North Western Provinces, Agra.—Dated Benares,* 31*st July* 1855.

I have, herewith, the honor to submit, for the orders of his Honor the Lieutenant-Governor, North Western Provinces, a letter from the Secretary to the Road and Ferry Fund Committee of Mirzapoor, asking how Establishment and Special Grants are to be entered in the Annual Alphabetical Form.

2nd.—As the replies to this question will be applicable to the whole of the North Western Provinces, it will be well to issue General Orders on the subject, together with such other supplemental orders as may appear necessary on perusal of my address of the 20th instant, and its enclosures.

3rd.—Where any Establishment is necessitated by any particular work, it should, I think, be included in the expenses of that work.

4th.—The general establishment should, I think, be divided equally between a new heading, J. under Road Fund, and P. under Ferry Fund.

5th.—Special Grants should, I think, be credited after "Anticipated Income," under Ferry Fund in column 1, as the grants are from the accumulated surplus Ferry Fund; and the expenditure should be debited under its appropriate letter, under Ferry Fund, column 4.

No. 71.—*From the Secretary Road and Ferry Fund Committee, Mirzapoor, to the Commissioner, 5th Division, Benares.—Dated the 28th July* 1855.

With reference to the recent orders of Government on the subject of Road and Ferry Fund accounts, I have the honor to request instructions on the following points:

2nd.—From which Fund is the sum required for Establishment to be taken, and under which column and heading, in the form prescribed, is it to be shewn?

3rd.—When a special grant has been made for any road by Government, is it to be shewn in the Form, and under which head?

No. 1688 A.—*From the Secretary to Government, North Western Provinces, to the Commissioner of the Benares Division.—Public Works Department,—Dated Nynee Tal, the 24th August* 1855.

I am directed to acknowledge the receipt of your letter No. 38, dated the 31st ultimo, submitting a letter from the Secretary to the Road and Ferry Fund Committee of Mirzapoor, requesting certain information relative to the preparation of the Statements prescribed for the Road and Ferry Fund Accounts.

2nd.—In reply I am desired to state, that the Lieutenant-Governor concurs in the opinion expressed in your 3rd paragraph, that any special Establishments should be charged against the works for which they are entertained.

3rd.—Regarding the General Establishments, His Honor observes that it does not appear yet necessary, while the present Establishments are only on a provisional footing, and the introduction of an improved scheme is intended, to adopt the suggestion submitted by you.

4th.—Special Grants should be entered as proposed in your 5th paragraph, in column 1, as an addition allowed to the amount of Ferry Fund receipts for the year.

No. 47.—*From the Commissioner, 5th Division, to the Secretary to Government, North Western Provinces.—Public Works Department,—Dated Benares, the 12th September* 1855.

I have the honor to request the orders of Government on the following points, as to making out the Annual Road and Ferry Fund Accounts:—

1st.—Many of the works voted are completed within the year for *less* than the sums appropriated. How should this saving be shown in the accounts?

2nd.—Many of them are *not completed within the year*, and an appropriated balance of the sum voted remains in hand to complete the work in the following year. Part of this may be in the Tehseeldar's hands, part in actual cash in the Treasury. How should this item be shewn so as to indicate clearly that it is a portion of money voted, but remaining unspent to complete the works? Clearly the whole sum remaining unspent must be carried forward, without distinction as to its having been actually returned into the Collector's Treasury.

3rd.—In some works the expenditure may *exceed* the amount voted. How should this excess of expense be shewn?

4th.—I should also be glad to know what year's Ferry Fund allotment should be included in the accounts. The allotment for last year has just been issued, but in addition to this, most of the Secretaries count upon the allotment for the present year also, thus including *two* years' allotments in their Ferry Fund assets. It appears to me that Ferry Fund allotments, which will not be given till after the close of the season in July or August next, should NOT be included as actual income for this present working season.

5th.—Another point is this. The mass of earth work ought to be done *at once* whilst the earth is moist, before the end of November. But not a quarter of the Road Fund will be realized by that time, although the major part of it has been voted away for interior district *roads, which ought to be completed at once.* What is to be done? Are the works to stand still until the December, January, May, and June, kists are realized? Or are the Collectors at liberty to advance from inefficient balance to the Road Secretaries, the amount of Road Fund for the year, minus a small margin for accidents?

6th.—The above are practical questions, which I should be glad to have answered before submitting my annual report.

7th.—*Exempli gratiâ*, I submit the statements and letters of the Secretary of the Ghazeepoor Committee, which he considers correct, but which I do not think right. It

will be observed that no expenditure in *excess* of vote is ever given, and of the expenditure within the vote, no distinction is made between works completed for less than the vote so as to yield a *bonâ fide* saving, and works unfinished, leaving a balance in hand for completion next year. It will also be observed that the total unexpended balance is swamped by deducting the cash which happened to be paid back into the Collector's Treasury before the end of the year, and that under the head of "Actual Expenditure" the Secretary has entered "The sum *set apart* for the construction of works, and *not the amount actually* expended." This falsifies the accounts; as, though in another supernumerary column the Secretary gives the actual expenditure, he still, in contradiction to that column, is made to state in column 1, that the actual expenditure is Rs. 26,814-9-5, when, by his own detailed account, it has only been Rs. 21,259-0-4.

8th.—All this confusion and difficulty arises from a want of specification how extra expenses and balances, (distinguishing actual savings from sums in hand to complete unfinished works,) should be shown in the accounts.

9th.—It is true that Government have not called for accounts in detail: still the abstract for Government must be deduced from accounts made up in details, and if these detailed accounts be not made up on correct principles, the abstracts will be wrong. I think that for each of the 3 columns in the detailed accounts there should be the following explanatory heads:—

1.	2.	3.	4.	5.	6.
Nature of work.	Sum voted.	Sum actually expended on each item.	Amount spent in *excess* of vote.	Saving on completed works.	Balance in hand for *un*-completed works.

The items under heading 4 would be explained, examined, and passed, if found unavoidable.

Those under head 5 would be carried to the *un*-appropriated cash balance, and be voted away for new works.

Those under head 6 would be brought forward as "balance appropriated to unfinished works."

10th.—I think it would be well if the totals of the heads were given in column 1 of the Government Abstract Statement, as for instance,

Unappropriated cash balance for last year, -- -- -- -- -- --		0000
Add, saving on works completed for less than voted, -- -- -- -- --		000
Anticipated Income, -- -- -- -- -- -- -- -- -- -- --		0000
Total, -- --		0000
Deduct sums spent in excess of votes, -- -- -- -- -- --	0000	
Balance appropriated to incomplete works, -- -- -- -- --	0000	
Proposed appropriation, -- -- -- -- -- -- -- --	0000	0000
Balance, --		0000

This, without giving details, would enable Government to judge as to excess or saving of expenditure, and would keep all *money, once voted, quite distinct, until the work was finished,* and either the excess expended was passed, or the saving effected was re-credited. At present Mr. Ross' prospective statement does not give the slightest inkling of the state of the statement for last year. By the slight alteration proposed in column 1, this would be done.

No. 1938 A.—*From the Secretary to Government, North Western Provinces, to the Commissioner of the Benares Division.—Public Works Department,—Dated the 25th September* 1855.

Your letter of the 12th instant, No. 47, having been laid before the Hon'ble the Lieutenant-Governor, I am directed to communicate the following replies to the several queries therein submitted, on the subject of the Annual Statements of the Road and Ferry Fund Committees which have recently been introduced.

2nd.—It is proper, in the first instance, to explain that the object of these statements was not to bring the actual execution of works entrusted to the Local Committees, under the minute supervision of the Government. It was intended only, by the Statement No. 1, to maintain a general check in regard to the progress of sanctioned works, and by Statement No. 2 to show, with a complete explicitness, the proposed mode of appropriating the available Road and Ferry Funds in each new year.

3rd.—The detailed supervision over the expenditure on particular authorized works, is left to the Commissioners of Divisions, it being their duty to bring any matter, which, from its special circumstances, may seem to call for it, under the notice of the Government.

4th.—Applying these principles to the questions submitted by you, I am desired to state, as to the 1st,

Of course such saving should be added to the available income of the next year. They may be briefly credited in the 1st column of the next year's Statement No. 2, as "savings on former estimates."

To the 2nd,

Unexpended balances of sums appropriated under due authority in any year, need not be entered in the statements for Government: the total of such unexpended balances will be shown, with any explanatory remarks that their amount may obviously require, in the Statement No. 1. The supervision as to each work belongs to the Commissioner of the Division.

To the 3rd,

Excess of authorized expenditure on any work need also, in the first instance, only be explained to the satisfaction of the Commissioner. If it be necessary to ask for a *fresh grant*, in order to cover such excess (which may, in cases of peculiar emergency, have been taken from the Treasury, and held in Inefficient Balance) this excess grant must be distinctly shown in its proper place, in the No. 2 Statement of the next year. If the excess should have been taken from a saving on another sanctioned work, this may be permitted under the authority of the Commissioner, without report to Government, and then *the remainder of the saving* will alone be credited as an addition, in the manner above stated in the reply to your first query, to the next year's available income.

To the 4th,

Only Ferry Fund allotments, *actually issued*, are to be entered in the Statement No. 2, and their appropriation recommended in it. Anticipation of resources is to be *strictly* prohibited.

Excepting, as to the 5th,

That the whole calculated amount of the next 12 months' Road Fund may be at once credited (this being a positively fixed amount of receipt) in the Statement No. 2, and the expenditure made as soon as it may be necessary, re-payment being given to the Treasury Inefficient Balance, as the collections of the Road Fund come in. A moderate margin for deficiencies is to be retained in the advances from the Treasury for this purpose.

5th.—It will rest with the Commissioners to establish such check reports and accounts, as to the details regarding single authorized works, as they may find necessary. The Government desires only, as has been before remarked, to exercise a general supervision, and the prescribed Statements have therefore been made as simple as was consistent with the necessary perspicuity and completeness.

No. 2370 A.—*Public Works Department,—Head-Quarters,—Camp Meerut, Dated the 22nd November* 1855.

RESOLUTION.

READ a letter from Captain R. Strachey, Engineers, dated 15th November 1855, with enclosed report regarding the works of Irrigation in Bundlecund, and a Memorandum of measures proposed by him for immediate adoption.

1.—The subject was discussed at a conference held on the 16th November, at which Lieutenant-Colonel B. Smith and Captain Strachey were present.

2.—The operations which are being conducted in Bundlecund, as well as the enquiries now in progress by Lieutenant Bruce in the Dehlie, and to be commenced by Captain Tonnochy in the Agra, District relate to subjects of special character, which will have the greatest degree of efficient care when committed to the uninterrupted and systematic attention of the Head of a Department, not distracted by other miscellaneous and important calls upon his time.

3.—The Superintendent of the Canal Department has also under him the greatest number of Officers, whose acquirements and experience would qualify them for filling vacancies in the appointments connected with irrigation whether from Rivers and Streams, or from Tanks or Embanked Reservoirs.

4.—It will therefore, in the opinion of the Lieutenant-Governor, tend to the most early profitable results from these inquiries, and to the more easy and suitable selection of Officers for such posts, to connect this class of duties with the Irrigation Department generally, subject, in like manner as is the Canal system under this Government, to the review and direction of the Superintendent of Canals.

5.—The control of the Works in Bundlecund, and the supervision of the inquiries in Agra and Dehlie, or of like enquiries which may be ordererd elsewhere, will accordingly be transferred from the Department of Public Works to that of the Superintendent of Canals in the North Western Provinces, from the 1st proximo.

6.—The sphere of these operations is at different places, some of them at a considerable distance. It will probably not be possible for the Superintendent of Canals to give a regular annual inspection to all the works. But he will take an early convenient opportunity, first, of closely examining the most important points in the tracts within which they are to be planned, and, hereafter, of visiting those tracts as often,—say once usually in every two years,—as his avocations in other quarters will admit.

7.—Captain Strachey having been proposed for the duty of investigating the Iron resources of the Kumaon Bhabur, the Superintendent of Canals will be requested to suggest the name of an Officer to take charge of his late appointment as Superintendent of Works of Irrigation in Bundlecund.

8.—Lieutenant-Colonel B. Smith will instruct the Officer who may be appointed to the duty, to proceed with the scheme of operations in the Muhoba and Jeitpoor Pergunnahs, upon the scale indicated by Captain Strachey in the 7th paragraph of his Memorandum. Precise Estimates will, of course, be submitted of the sums proposed to be expended, and of the grounds on which the expenditure is recommended as to each distinct work.

9.—The investigations, suggested in the 3rd paragraph, as to the possibility of drawing Canals for irrigation from the several Bundlecund rivers, (the Sindh, the Betwah, the Dussaun, and the Ken,) will also engage special and very careful attention. Details as to the course and nature of these important investigations will be prescribed by Lieutenant-Colonel B. Smith in Instructions of which he will furnish a copy for the information of Government.

10.—The Superintendent's Head-Quarters will, for the present, as proposed in paragraph 6 of Captain Strachey's Memorandum, be at Nowgong.

11.—Lieutenant Burgess will co-operate with these proceedings in Jhansie, so as by forming, in the course of his survey, an exact plan of the site, extent, and levels of all existing tanks and works, to supply full trustworthy information, and to economise labor, in the Irrigation Department.

12.—A small Workshop will be established at the Head-Quarters at Nowgong, as proposed in paragraph 10, in order to supply the want of suitable Artificers. The details of this will be reported for due sanction. The plantation of Forests, noticed in paragraph 11, may also be attempted.

13.—The Lieutenant-Governor would, in reference to some of the remarks in Captain Strachey's report, at once record the following general principles regarding the levy of water-rates in works of the description to which this Resolution refers.

14.—The recognized rule of the country is that water Channels and Reservoirs belong, ordinarily, solely to the State. In practice, all large works of these descriptions have been regulated and constructed by the Government, and private claims are not advanced to them.

15.—Inferior works of the class may, at different points, have been constructed by private capital, and the Government would fully recognize and respect all rights of separate property, where they may be found at present to exist.

16.—At the Settlement, the claims to every Tank, or Irrigation work of this nature, within the arrears of Estates, will be carefully investigated, and each case will be decided on its merits.

17.—Where a Settlement may have been already made without the prosecution of such an enquiry, the Officer in charge of the Revenue Administration of the District will undertake it, as soon as convenient, in conformity with the ordinary rules for such investigations under Regulation VII. 1822.

18.—Wherever large Tanks, or others Irrigation reservoirs or water-courses, have been constructed, and will now be taken charge of, and kept in efficient repair and working order, by the public Officers, a distinct water-rate, (independently of the ordinary assessment, which will be calculated without reference to these special means of water supply,) is to be levied for the use of the water on behalf of, and to be credited to, the Irrigation Department, on the same rules as have been laid down for water drawn from the Ganges Canal.

19.—In small works which belong to the Government, but the repair of which can, under ordinary circumstances, be conducted by the Land-owners themselves, a fair deduction may be made, from year to year, from the Revenue of the Mehal concerned, on the certificate of the Irrigation Officer that the repairs have been made satisfactorily, and in due time.

20.—In irrigation derived from ordinary works, such as are referred to in the preceding paragraph, and call for no heavy direct outlay of the public funds, it will probably be unnecessary to maintain the distinction between the usual land revenue upon the irrigated area, and a separate rate for the use of the water. A suitably enhanced rate may be fixed in the Settlement of the Estate, combining the ordinary assessment with the fair charge for water. The details of the best system to be established in this respect may be hereafter considered in communication with the Sudder Board and the local Revenue Officers.

Ordered, that a copy of Captain Strachey's letter and enclosures, and of this Resolution, be forwarded to the Department Public Works, Government of India, with a request for confirmation, by the Hon'ble President in Council, to the change of present arrangements, indicated in paragraph 5.

Ordered also, that copies be furnished to the Sudder Board of Revenue, the Chief Engineer, the Superintendent Canals, N. W. Provinces, and the Deputy Surveyor General, for information and guidance. The attention of the Deputy Surveyor General will be requested to the early issue to Lieutenant Burgess of the instructions stated in paragraph 10 of this Resolution.

Ordered also, that 100 copies of these papers be printed, and supplied to the Office of the Chief Engineer; to the Superintendent of Canals, N. W. Provinces, the Sudder Board of Revenue, the Deputy Surveyor General, the Commissioners of Dehlie, Agra, Allahabad, and Saugor, the Collectors of Dehlie, Agra, Humeerpoor, and Banda, and the several District Officers under the Commissioner of Saugor.

No. 2466 A.—MEMORANDUM.

AT a conference held by the Lieutenant-Governor, on the 28th November, during his tour through the district of Moozuffernugger, at which Lieutenant-Colonel Baird Smith, the Commissioner Meerut Division, and the Collectors of the districts of Suharunpore and Moozuffernugger, were present, the following principles were laid down:—

First.—As to the purchase, by the Officers of the Canal, of koora or refuse manure required by them for the burning of their brick kilns.

1*st.*—The Collector of Moozuffernugger had been applied to by the Executive Officer of the Ganges Canal within his district to procure the assent of certain zemindars to the removal of koora, and he desired instructions how far he was authorized to interfere.

2*nd.*—The Lieutenant-Governor was of opinion that the rules contained in the orders of the late Lieutenant-Governor, dated the 19th February 1852, fully and satisfactorily provided for the case.

3*rd.*—Wherever the Canal Officer, or a contractor employed by him, cannot by free private contract procure the purchase of all the koora required for his works, the intervention of the Collector, if desired by the Canal Authorities, may be exercised without impropriety.

4*th.*—The Collector will however not proceed upon any such application from the Executive Officer of a Canal Division, until he has referred to the Superintendent of Canals, North Western Provinces, and been certified of the concurrence of that Officer in regard to the advantage of his interference, or unless the Executive Officer shall have previously received the sanction of the Superintendent of Canals for his asking the aid of the Collector.

5*th.*—The nature of the interference of the Collector will be strictly confined to the "mediation and influence" permitted by paragraph 10 of the orders above referred to. The Collector will explain to the people the reasonableness and urgency of the demand by the Canal Officers for works which are of the first importance to the agricultural well-being of the country; he will divide the supply equitably among all the neighbouring villages; and it will rest with him, of course, when so applied to, to settle upon due inquiry and consideration in communication with the Executive Canal Officer, a fair and remunerating price, such as will be just both to public and to individual interests.

6*th.*—*Secondly.* Compensation for lands occupied on account of Rajbuhas.

7th.—Wherever the land is permanently occupied, compensation and remission of revenue will be given, under the prescribed rules, to the owners and cultivators. Special cases may be submitted for the orders of Government, in which on account of the strip required being small and of little value, the Canal Department may desire to buy the land outright by the offer of a sum which shall compensate both the yearly demand of revenue, and the proprietary or other private rights. The outlay in all such payments will be recoverable from the whole number of zemindars benefiting by the Rajbuhas according to the rules of the Canal Department.

8th.—The Canal Executive Officers, acting under the usual control of the Superintendent of Canals, will be responsible for indicating in each instance the precise width of land required for immediate occupation, both on account of Rajbuha bed and border, with their excavations, and of the margin necessary for the deposit of silt.

9th.—Where the land is not permanently occupied, but is rendered for a time unserviceable either by excavation or the imposition of other soil, the principle to be observed is the same as that laid down for temporary compensation on account of ground on which kunkur is dug either for the Canal or Road Departments. The mode of procedure is explained in the orders of Government, dated 19th February previously quoted, and also in a letter No. 543, dated the 7th May 1850, addressed to the Superintendent of the Grand Trunk Road regarding lands temporarily needed for the excavation of kunkur.

10th.—So long as the land is occupied a sum should be paid annually by the Canal Department to the Collector on behalf of proprietors and cultivators, or, where it may be preferred by them, to those parties themselves, sufficient to cover the rent and also to compensate any rights of occupancy.

11th.—If the sums fairly due on these accounts cannot be arranged amicably by the Canal Officer, he will refer to the Collector, who is authorized to intervene by his influence and mediation, and in the last resort, to occupy the land under Regulation I. of 1824, and Act XLII. of 1850.

12th.—On the land being no longer required, it will be levelled, and made fit for tillage, and again returned to the possession of the original holders, when the payment of compensation will cease.

13th.—It had not, originally, been the practice on the Jumna Canals to give compensation on the above principles for land occupied for Rajbuhas, either in permanency or for a time. The general rule declared on the point will now be there put in force, and the Superintendent will be requested to report a date, say three or five years back, as may be reasonable with reference to the extent of such works recently executed, subsequent to which proprietors will be entitled to claim of right, compensation and remission, on the system here prescribed. This general determination of a date will not, however, interfere with the discretion of the Collector to take up and report for special orders, any cases of unusual hardship or loss to individuals, which may have arisen previously to it.

Ordered, that copies of this Memorandum be furnished to the Commissioner of Meerut and the Superintendent Canals, North Western Provinces, for information and guidance.

A copy will also be sent to the Sudder Board of Revenue, North Western Provinces, in order that the rules now prescribed may be made generally applicable in all districts in which there are Canals.

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OF THE

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CIRCULAR ORDERS

OF THE

SUDDER DEWANY ADAWLUT,

NORTH WESTERN PROVINCES,

FOR 1855.

No. 41.—*To the Civil Authorities in the North Western Provinces.—Agra, the 2nd January* 1855.

WITH a view to relieve the local authorities of much unnecessary labor, and to reduce the bulk of the Judicial correspondence, conveyed by the public dâk, the Court, under the power vested in them by Section 3, Regulation VII. 1829, have determined to introduce the following changes in the periodical Civil Statements.

2.—From and after the 1st January 1855, the Civil Statements, Nos. 1 to 3, will be submitted Quarterly, instead of Monthly, the headings of the forms at present in use being altered accordingly.

3.—The Zillah Judges will require from each of the subordinate Courts a single Monthly Statement in the annexed form, shewing the total number of cases, regular and miscellaneous, disposed of by each Officer, with an explanation as at present, when the number of cases decided falls short of the prescribed number. It will not be necessary to submit this explanation to the Court, unless it fails to satisfy the Judge, in which case he will forward it with such remarks as he may think fit. The power with which the Judges are hereby vested, must be vigilantly exercised, and the Court fully rely upon their active co-operation.

4.—The Judges are requested to be careful, intermediately between the Quarterly Statements, to apply to the Court from time to time, for permission to transfer a sufficient number of cases to their Principal Sudder Ameen, as occasion may call for.

Abstract Statement of Regular Suits, and Miscellaneous Cases, disposed of by the

of *for the month of* 185 .

Denomination of Court, and name of Officer presiding.	1. Total of regular cases decided on trial.	2. Dismissed on default.	3. Adjusted or withdrawn.	4. Decided on Ikbaldawa.	5. Total of every description finally disposed of.	6. Total of Miscellaneous cases of every description disposed of by an order on their merits.	7. Explanation of the causes of the paucity of decisions by any Officer, as required by Circular Order No. 78, 25th January 1833.

No. 175.—*To the Civil Authorities in the North Western Provinces.—Agra, the 26th January* 1855.

THE Court have had before them the returns to a Circular, dated 24th February last, No. 369, calling for a statement of the rates of tulubanah payable to *muzkooree* peons engaged in serving processes in the several Civil Courts of these Provinces, and they find that considerable diversity exists in these rates, in different jurisdictions, varying from 2 to 3 annas a day, while the distance, also considered equivalent to one day's journey, is not regulated on the same principle throughout.

2.—The Court observe that there are two points requiring adjustment in connection with this subject,—the fixing of proper rates of tulubanah, so as to give a fair remuneration and livelihood to the chuprasees on the one hand, and not to make an undue pressure on the suitors, on the other; and the assignment of a suitable number of muzkooree peons limited and proportioned to the work.

3.—Former Circular Orders, quoted in the margin*, have conveyed instructions on the subject; but the Court have reason to apprehend that irregularities and abuses still prevail in this department, and that, either from the inadequate control over their Nazirs exercised by the subordinate Judges, or from connivance, the service of processes on the Native Courts is still made a source of unauthorized gain to individuals, and of undue charge on the public. The Appendix to the printed Report of the Sudder Dewany Adawlut, on the administration of Civil Justice for 1853, lately issued, has referred to this subject in citing an Extract from the Judge of Meerut's remarks thereon, with the opinion of the Court, as a general principle, that "any rate of monthly receipt, much below 4 rupees, cannot suffice for the maintenance of this class of servants in decency, and preservation from the temptation to dishonest acts.

* No. 98, dated 18th September 1840. No. 182, dated 28th January 1842.

4.—The principle for regulating the levy of tulubanah is laid down in Section 14, Regulation XXVI. 1814, viz., that the number of days for which it is to be allowed in the serving of process within each local division shall be *calculated on the computed distance* of the *centre of each local division from the Sudder Station.* All, therefore, that is needed, is to fix a maximum *per diem* of the tulubanah to be allowed, and to prepare tables of distances and days accordingly. The new district maps now in course of being issued by the Sudder Board of Revenue, will afford full material for providing the local Courts with accurate tables of distances within their respective jurisdictions.

5.—In pursuance of the above rule, the Court direct that the rates of tulubanah payable to Peons in the several Districts, be adjusted so as in no instance to exceed 4 *annas**, or be less than 2 annas per diem.

* The maximum rate of wages prescribed by Section 21, Regulation III. of 1803.

6.—The Judges will call on the several subordinate Courts to furnish revised lists of Peons, and tables exhibiting the distance from their Courts in days journeys to each place within their jurisdiction. *Five koss,* or 10 miles, is considered a fair distance for one day.

7.—The number of Peons will be determined on the principle of ensuring average employment to all for at least 25 days in each month. Forms for each description of process will be prescribed by the several Judges, for use by the subordinate Courts in numerical series and order.

8.—A book will be kept by the Nizir of each Court, in which will be noted the date, number, and nature of each process, also the name of the Peon to whom its service is entrusted, and the tulubanah payable on it; at the end of every month the total amount paid to each Peon will be noted, and this record will be then attested by the presiding Judge of each Court. It is believed that Form No. 18, already prescribed

by Circular Order dated 6th June 1846, will suffice for this record, the heading of Column 4 being enlarged by adding after "description of process," the words "and number."

9.—The Court refrain from issuing precise instructions regarding the mode of serving processes, as it would tend to fetter the hands of the Judges in a matter which is merely a part of *judicial* practice. They desire rather to issue *general* rules as to *distance and rates of remuneration.* The latter should not ordinarily be less than an average of 4 rupees per mensem, and, in order to maintain this average, the Zillah Judges should call upon their subordinates to furnish monthly statements, shewing the number of days each Peon was employed, and the amount of remuneration received by him, and at the end of the year if the monthly average should be found materially to exceed, or fall short of, 4 rupees as the receipts of each Peon, the number of Peons will be re-adjusted in accordance with such result.

10.—It is to be noted that the object of the monthly average is to secure an equitable and fair distribution of processes among this class of servants, and to prevent any thing like a partial and unequal employment of them by the Nazirs, while the design of the *yearly* revision is to adjust the *number* of Peons employed in each Court, and make it commensurate with the amount of work requiring to be done, that is, neither inadequate to, nor in excess of, the wants of the jurisdiction. The Zillah Judges will always notice the subject, in such detail as to shew that they have given their own attention thereto, and also exacted the same from the subordinate Judicial Officers, in their annual Reports.

11.—The Judges are requested to report the practice of their Districts in respect to the issue of notice on a party dwelling in another, perhaps remote, jurisdiction, whether the whole tulubanah is levied for service of notice to the spot and back, or whether the process is sent by the post for service through the Court of the District where the party resides, the obligation of indicating such party falling on the person at whose instance summons is issued.

12.—It need not be said that a main condition of success in carrying out the object of this Circular, so as, on the one hand, to provide for the efficient and due service of judicial processes, by a decently paid, and properly regulated agency, and, on the other, to avoid any undue pressure on the public, will be the measure in which the presiding Officer of each Court, enforcing the responsibility of the Nazir of his establishment to himself, and recognizing his own direct responsibility in this matter to the superior authorities, shall labor to exercise and maintain a strict and unceasing check and control over the working of the agency referred to. The due enforcement of this obligation on each Native Judge is a material part of the Zillah Judge's duty, a neglect of which will not be passed over, while instances of detected abuse in managing the tulubanah fund, either practised, or permitted and connived at, by the subordinate Judges, will render them, on proof, liable to immediate dismissal.

No. 179—*To the Zillah Judges in the North Western Provinces.—Agra, the 5th February* 1855.

THE Circular Orders of the Sudder Dewany Adawlut, cited in the margin*, which prohibit the Sudder Ameens and Moonsiffs, subject to the jurisdiction of the Court, from appointing their own connections to situations on their establishments, not being expressly declared applicable to Principal Sudder Ameens, doubts have arisen whether the principle of those orders is to be considered binding on the last-named grade of Judicial

*No. 24, dated 31st December 1830. No. 68, dated 15th May 1849.

Officers. The Court accordingly hereby notify, for general information, that the same prohibition is applicable to Principal Sudder Ameens also.

2nd.—The Judges will enquire into, and rectify, any existing infringement of the prohibitory rule on the part of those officers.

No. 235.—*To the Civil and Sessions Judges, North Western Provinces.—Agra, the 12th February* 1855.

THE Sudder Dewany and Nizamut Adawlut are pleased to direct, that whenever a Sessions Judge may have occasion to proceed on Circuit duty to another station, under the Court's Notification No. 975, dated the 2nd, and published in the *Agra Government Gazette* of the 29th of August 1854, he will make over charge of the current duties of his office to the Principal Sudder Ameen of his District.

No. 316.—*To the Civil Authorities in the North Western Provinces.—Agra, the 2nd March* 1855.

IN explanation of paragraph 12 of Circular Order Sudder Dewany Adawlut, No. 2474, dated 15th December 1854, and published in the *Agra Government Gazette* of the 2nd of January last, and of the terms of a former Circular, No. 196, dated 30th September 1836, paragraph 1, the Court notify, for the information of the Civil Authorities, that copies of decrees relating to landed property are to be sent by them to the Local Revenue Commissioners and Collectors, and not to the Sudder Board of Revenue.

No. 328.—*To the Zillah Judges in the North Western Provinces.—Agra, the 3rd March* 1855.

THE Court, having had under consideration the replies of the several Judges to their Circulars noted in the margin*, deem it advisable, in communication with the Sudder Board of Revenue, to issue the following directions regarding the employment of ameens in conformity with the orders of Government, dated 22nd November 1853.

* Circular Order No. 1880, dated 5th December 1853.
Circular Order No. 460, dated 3rd March 1854.
Circular Order No. 530, dated 10th March 1854.

2nd.—In every instance in which the Offices of Revenue can supply records of proprietary title or boundary surveys of real property under litigation, or of which possession has been awarded under a decree, or which it is proposed to attach and bring to sale in satisfaction of judgment-debts, costs, fines, &c., whether the same be malgoozary or lakraj, a reference should be made to the Collector either for a report of the nature of the property or tenure, or injunctions issued to him to give possession, or to attach and bring the same to sale, in accordance with existing rules.

3rd.—If the property consist of houses, gardens, orchards, &c., of which no accurate description can be obtained from the Offices of Revenue, in consequence of its not having been included in the Revenue Surveys, or of its being situated within the limits of cities or towns; an ameen duly qualified by his ability to survey and protract by scale and compass, shall be employed to make the requisite local investigation of the property under litigation, or to place the party in possession to whom proprietary

rights have been awarded under a decree, or to attach and bring the same to sale in satisfaction of decrees for money, costs, fines, &c.

4th.—As the services of ameens will, under these instructions, be only required in making local investigations, or in giving effect to decrees regarding real property not included in the Revenue Surveys, the Court are of opinion that the number entertained under Circular Order No. 197, dated 10th February 1837, may be considerably reduced, and that there will be no difficulty in obtaining one or more, if necessary, duly qualified persons for filling that office in each district, and the Zillah Judges are hereby authorized to dispense with the services of those ameens not so qualified, and to appoint the requisite number of persons who shall have received necessary certificates from Collectors of their qualifications for the appointment, within six months from the date of this Circular. The Sudder Board propose to call the attention of Revenue Officers to the requirement of this paragraph.

No. 496.—*To the Zillah Judges in the North Western Provinces.—Agra, the 28th March* 1855.

INSTANCES having occurred of delay on the part of Zillah Judges in furnishing their Registers of Deposits, as required by Circular Order of the Accountant, dated the 16th of July 1849, No. 70, the Court request, that the Judges will make such arrangements in their respective Offices, as shall secure the punctual transmission of all periodical returns to the Office of Account.

No. 714.—*To the Civil Judges in the North Western Provinces.—Agra, the 20th April* 1855.

THE Court are pleased to authorise the abolition of the Registers, Nos. 3 and 4, mentioned in Circular Order No. 14, dated 23rd November 1838.

2nd.—It will be sufficient in future to enter in Column 7 of the Registers, Nos. 1 and 2, prescribed by the above Circular, the number of papers entered in the lists marked A. and B., which are required to be prepared by the Circular Order No. 2031, dated 6th September, and published in the *Agra Government Gazette* of the 31st of October last.

No. 718.—*To the Civil Authorities in the North Western Provinces,—Agra, the 21st April* 1855.

THE Director General of the Post Offices in India having brought to the notice of the Court, that summons and processes of a like nature, sent by post at the instance of parties to suits, are frequently franked by Judges, as on Public Service, the Court are pleased to call the attention of the Civil Authorities to the *Notâ Bene* to Section 36 of the Rules, for the management of the Post Office, which restricts the "privilege of sending letters by post without actual payment of postage to letters *exclusively* on the Public Service," and to request the discontinuance of the practice abovementioned, should it any where exist.

2nd.—All Civil processes sent through the post, as well as all letters and proceedings, relating to the private concerns of individuals, must be pre-paid by the party at whose instance they are sent, or they cannot be forwarded.

No. 771.—*To the Civil Judges in the North Western Provinces.—Agra, the 23rd April* 1855.

WITH the view of reducing the bulk of the Quarterly Statements of requisitions to Collectors, relating to execution of decrees, required by existing Circular Orders*, the Court are pleased to direct, in modification of paragraphs 3 and 4, Circular Order No. 14, dated 1st May 1843, that the copy of the above Statement, which is forwarded to the Court, shall in future contain only those cases in which delay is imputable to the Collector, and is not satisfactorily accounted for by the explanatory remarks of that officer: cases in which the explanation of the Collector is considered by the Judge to be satisfactory, will not be inserted therein. In other words, the copy forwarded to the Commissioner of the Division, and that submitted to the Court, will correspond.

Circular Order, No. 127, 12th December 1834.
Circular Order, No. 88, 19th June 1840.
Circular Order, No. 14, 1st May 1843.
Circular Order, No. 66, 20th August 1844.
Circular Order, No, 57, 15th November 1848.
Circular Order, No. 176, 28th May 1852.

No. 775.—*To the Civil and Sessions Judges and Civil Authorities in the North Western Provinces.—Agra, the 30th April* 1855.

THE Court, with the sanction of Government, are pleased to direct that the Notification of Government, No. 244 A., dated the 23rd of January, and published in the *Agra Government Gazette* of the 6th of February last, shall be deemed applicable to all Courts under their jurisdiction from the 1st of June next.

2nd.—Character books shall be prepared and kept up in the offices of the Civil and Sessions Judges, with entries for the clerks of the English office, for Serishtadars, Record-keepers, Nazirs, Mohurrirs, and all Ministerial Officers, drawing Rs. 10 a month and upwards, and in the offices of the Principal Sudder Ameens, Sudder Ameens, and Moonsiffs, for all Ministerial Officers on their respective establishments.

3rd.—The books are to be of English paper, and strongly bound for permanent record. All entries therein are to be invariably made by the Head of the office, with his own hand, and he will be guided as to the mode of making such entries by the rules laid down in paragraphs 3 to 10 and 12 of the Notification above referred to.

4th.—It will be the duty of the Zillah Judges to see that these rules are regularly and carefully observed by the Native Judges subordinate to them, and the subject will be specifically mentioned in their yearly reports.

No. 814.—*To the Civil Judges in the North Western Provinces.—Agra, the 12th May* 1855.

THE Court having reason to believe, that the Circular Order No. 81, of 30th October 1849, which has reference only to *Regular* Appeals, has been, generally, misunderstood by the Zillah Appellate Courts, and considered by them, as applicable to *Special* Appeals, also, deem it necessary to correct this misapprehension, and to direct that from the date of receipt of this Notification, the Zillah Appellate Courts shall refrain from issuing any orders for the suspension of execution of decrees passed by them, on Regular Appeal; and shall refer the parties, making such applications, to this Court; by whom such orders will be passed, in each case, either for suspension, or otherwise, as may appear to them necessary and proper.

No. 905.—*To the Civil Authorities in the North Western Provinces,—Agra, the 11th May* 1855.

THE Court issue the annexed form of decree in lieu of that published with the Circular Order No. 4, dated 12th February 1847.

2nd.—It will be seen that although the new form attempts to provide for every possible contingency that may arise in the various kinds of suits, yet when as much of it as is necessary is applied to any particular case, it will be found that the length of the decree is materially shortened.

3rd.—In the old form, the value and nature of the property claimed was shown five or six times, without any apparent advantage.

4th.—In the present form, it will be entered only once, and it should be stated in the terms employed by the plaintiff. When the decree does not exactly correspond with the claim preferred, the decretal order will show precisely what has been decreed.

5th.—Only such an abstract of the pleadings need be given as is indispensably necessary to shew the nature and grounds of the claim and defence set up. The Appellate Court can always refer, if necessary, to the original pleadings.

6th.—It is also unnecessary to recite the Section 10 proceeding, as required by Rule 7 of the old Circular. The points to be decided, the decision thereon, and the reasons of the decision, must, as a matter of course, be recorded in a decision given under Act XII. of 1843.

7th.—In cases disposed of by *razeenamah*, or on *ikbaldawa*, as well as cases dismissed on default, or in which an order of nonsuit is passed, the lengthy abstract of the pleadings, the lists of documents, and the names of witnesses, need not be entered.

8th.—The other forms require no explanation, the object of all being simply to avoid unnecessary repetition and abstracts.

9th.—The Court take this opportunity of authorizing the discontinuance generally of the entry of copies of decisions in separate books, as required by their Circular Order No. 81, dated 11th April 1845.

FORM OF DECISION OF AN ORIGINAL SUIT, DETERMINED ON TRIAL.

No. 15 OF 1854.

DATE OF INSTITUTION OF THE SUIT.

2nd January 185 .

[If the case was instituted in another Court, and received by transfer, the fact and the date of transfer should be noticed here].

DECISION OF THE COURT OF PRINCIPAL SUDDER AMEEN OF ZILLAH AGRA, IN THE PRESENCE OF , PRINCIPAL SUDDER AMEEN.

30th June 1854, (or) 20th Assarh 1261 Fuslee.

Plaintiff.	*Vukeels.*
Nurain Singh.	Rajkissen Doss, Mohun Singh,—*present.*
Defendant.	"
Hur Loll.	In person.
Madho Singh.	Luchmun, *present,* } *Vukeels.*
	Gopal, ---- *absent,* }

Bhuwaneedeen.	*Vukeel.*
Represented after his death by his son Nund Kishore.*	Uhmud Hossein, *present.*
Nainsookh.	Absent after acknowledging service of notice.
Sheodial.	Not to be found on issue of notice and proclamation.
Sudasookh Loll.	*Vukeel.*
	Sumbonath, who has since been dismissed from his appointment, but the defendant has not, after due notification, either appeared, or appointed a new Vukeel.
Third party.	*Vukeel.*
Eshuree Singh.	Mahomed Huneef, *present.*

CLAIM.

To obtain proprietary possession of 242 villages in pergunnah Kotar, the aggregate Juma of which is Rs. 39,029, and to recover Rs. 1,76,716-10-2½, on account of *mesne* proceeds of the said villages, from the years 1246 to 1256 Fuslee, making a total claim of Rs. 2,15,745-10-2½ and to set aside the orders of the Settlement Officer in regard to the said villages, under date 24th August 1838, passed agreeably to the provisions of Regulation IX. of 1833; also to annul the auction sale of four of the said villages, viz. Booreya, Oredal, and others.

[The boundaries of any disputed parcel of land must here be given, if specified in the plaint.]

Answer of the Defendant.

The suit of the plaintiff is barred by Act XIII. 1848, more than three years having elapsed since the date of the order of the Settlement Officer, sought to be set aside.

Plea of the Third Party.

Here enter plea of any third party.

[Should the defendants severally urge different pleas, the substance of each of the pleas is to be written, with the name of the party by whom such plea or pleas may have been urged, and should any answer be tendered in support of plaintiff, mention of that fact should also be made.]

[If the defendants do not admit the boundaries given in the plaint, the boundaries specified by them must be inserted here.]

PROOFS.

On the part of Plaintiff.	On the part of Defendant.
No. 11.	No. 14.
Here will be entered a list of documents exhibited by Plaintiff.	Here will be entered a list of documents exhibited by Defendant.

* It is unnecessary to mention, in the body of the decision, why one party was substituted to represent another, since a person can appeal, if he has any objection on this point, under Circular Order of 13th of January 1849, during the pendency of the case.

No. 13.

Witnesses named in the *ismnuveesee.*

Madho,	1
Ramjee,	1
Kishen,	1
Ramsuhaee,	1
	4

No. 15.

Witnesses named in the *ismnuveesee.*

Jowahir,	1	*
Rajkishen,	1	*
Judoonath,	1	*
Hurnath,	1†	

The first and third of these have deposed.

ON THE PART OF THE THIRD PARTY.

No. 16.

Witnesses named in the ismnuveesee.

Gudadhur,	1
Bisheshurdyal,	1
Chundee,	1
Anund,	1

The first and second witnesses have deposed.

The party did not take out summons against the third and fourth witnesses.

[If the other defendants have severally adduced different proofs, mention of the proofs adduced by each of them should be here given.]

[If a *futwa* or *bewustha* has been taken in the case, or if an enquiry has been held through an *ameen,* it should be mentioned here.]

[If the case be referred to arbitrators, then, without notice of proofs, &c., mention of the arbitration bond should be made immediately after the mention of the pleas advanced, and the substance of the arbitrators' decision should be recorded.]

[It is unnecessary to enter the arguments of the Vukeels. This will be sufficiently noticed in the judgment.]

JUDGMENT.

The issues drawn in this case are

I.,

II.,

DECISION AND ORDER.

[It is unnecessary to give a specimen of the decision and order. The *decree nuvees* will prepare an account with reference to the order contained in the decree. This account is not tested by the pleader of any of the parties, but it can be amended or corrected on objection being made, or if an appeal is preferred, on petition filed to that effect. The Officer executing the decree must at the time of execution make a calculation of the interest, &c., for the period subsequent to the date of the decree. If the above account be not given in the decree, it may be given by the Officer executing the decree at the time of execution, and the account so prepared according to the tenor of the decree can be tested by the Court, or by the opposite party, should he have any objection regarding it.]

* These three witnesses have given evidence.

† This witness did not appear, though his property was attached.

SCHEDULE OF COSTS.

On the part of Plaintiff.		*On the part of (so and so) Defendant.*	
-- -- -- -- -- -- -- --	50	-- -- -- -- -- -- -- --	3
-- -- -- -- -- -- -- --	8	-- -- -- -- -- -- -- --	5
-- -- -- -- -- -- -- --	5	-- -- -- -- -- -- -- --	10
Total,--		Total,--	

[It is unnecessary to give a schedule of costs, if no order for payment thereof is in the judgment.]

[If the case be decreed according to a deed of compromise *(solehnamah)* or confession of judgment*, then the purport of the *solehnamah*, &c., need only be stated without any mention of the pleas and proofs, notwithstanding they have been previously filed.]

* In such cases what is in addition to the above to be recorded in the Judgment depends on the directions contained in Act XII. 1843.

[In a case ending in a nonsuit, the grounds of the decision may be recorded immediately after giving the substance of the claim or complaint, it being unnecessary to make mention of the proofs. But where the Court came to such a conclusion, after perusal of the proofs, such as of under-valuation, &c., it is necessary to mention those proofs.]

[In regular and summary appeals, and in miscellaneous cases, decrees and roobakarees are to be written in conformity to the present form. Should a case be remanded by an Appellate Court, or should a case be instituted against Government, the fact must be noticed; or should the subject-matter of a case be situated in several Zillahs, the permission, &c., to try such a case, should be recorded.]

FORM OF THE DECISION OF A CASE STRUCK OFF THE FILE.

[Number of the case, date of its institution, name of presiding officer, names of parties, particulars of the claim as in the regular form.]

The defendant in the present case having filed his answer on the 185 , plaintiff was ordered to tender his reply within five days.

As the plaintiff has not filed his reply within the time allowed, and six weeks have elapsed from the day on which he was summoned, therefore according to the provisions of Act XXIX. of 1841, Ordered,—that this case be dismissed on default.

COSTS.

FORM OF DECISION OF A CASE DISPOSED OF ACCORDING TO RAZEENAMAH.

[See the note at the head of form of decision of a case struck off the file.]

Whereas afer the completion of the pleadings, and after holding the Section 10 proceeding (this is only to be stated if the Section 10 proceeding have been held,) the suit has been compromised, and the plaintiff and defendant have filed a *razeenamah* and *safeenamah;* it is therefore ordered that the case be disposed of agreeably to the *razeenamah* and *safeenamah.*

FORM OF DECISION ON DUSTBURDAREE OR WITHDRAWAL.

[*Vide* Note at the head of the form of decision of a case struck off the file.]

As the plaintiff has on the 185 , filed a *dustburdaree* petition, on the ground that •
therefore it is ordered that the case be dismissed with reference to the *dustburdaree* petition.

COSTS.

No. 913.—*To the Civil Authorities, North Western Provinces.—Agra, the* 14*th May* 1855.

THE Court publish a revised translation, prepared under their direction, of Act XIX. of 1853, which they request may be substituted for the translation of that Act, published in the *Agra Government Gazette Extraordinary* of the 29th December of the same year.

2*nd.*—The Court take this opportunity of calling the particular attention of the several Judges, European and Native, subordinate to them, to the provisions of this very important and useful law, and of enjoining a strict and careful observance of the rules therein contained.

3*rd.*—The Court have heard with much regret from the Judge of the Court, who has lately returned from a tour of inspection of the Civil Courts in these provinces, that, in the majority of the Courts visited by him in person, or whose proceedings he examined in the presence of the presiding Judges at the Sudder Station of their respective districts, the provisions of the Act had been very imperfectly carried out, little regard being had to the spirit and intent of the law, and that in some Courts, if at any time brought into operation, it had already fallen into disuse.

4*th.*—It can scarcely be necessary for the Court to point out the heavy responsibility incurred by those Judges, to whom these remarks apply, in their neglect of a positive obligation, imposed upon all Judicial Officers, of administering the law as laid down for their guidance, while the reasons assigned by several of the Judges to the Judge of the Court, lately on deputation, in extenuation of their conduct, to the effect that a strict observance of the provisions of the Act would greatly interfere with the despatch of business, and by preventing their disposing, monthly, of the prescribed number of regular suits, would draw down upon them the displeasure of their superiors, are obviously inadmissible,—even if this objection to the Act were well founded, which the Court believe not to be the case.

5*th.*—The Court are willing to make allowance for a want of experience, naturally attendant upon the introduction of a measure, many of the most important provisions of which are of a novel character, and they are also aware that, owing to some obscurity in particular passages of the original translation of the Act, and to errors in the rendering of other parts, mistakes have been committed; and doubts experienced as to the correct meaning of the parts referred to. It is hoped that the revised translation of the Act, now published, will remove all such doubts, where they have been entertained, and prevent the recurrence of any such errors, and adverting to the length of time that has elapsed since the promulgation of the Act, the Court hereby notify, for general information, that, for the future, in weighing the comparative merits of the several subordinate Judges, employed in these provinces, and in fixing their rank and claims to promotion, they will look particularly to the manner in which the provisions of the Act have been attended to in the cases coming before them in appeal, and

will consider it their duty to pass over any Judge, whose proceedings exhibit a neglect of the law, or, are otherwise open to exception in the administration of it.

6th.—The Court will also expect the Zillah and City Judges, in reviewing appeals from the decisions of their subordinates, carefully and promptly to notice any material deviation on their part from the course of procedure, prescribed by the Act, and, in reporting upon their official conduct at the end of the year, prominently to bring before the Court the names of those Judges, whose proceedings may appear to have evinced the greatest intelligence and attention in giving effect to the terms of the Act according to its spirit and intent, and the reverse. It appeared to the Judge of the Court, lately on deputation, that this important part of the duty of a Zillah Judge had not, generally, received the degree of attention which it deserved, and that to this cause might be attributed, in some measure, the laxity observable in the proceedings of their European and Native subordinates.

صحیح ترجمہ ایکت نمبر ۱۹ سنہ ۱۸۵۳ ع

واضح ہو کہ جو قوانین شہادت کے باب میں پریزیڈنسي فورٹ ولیم بنگالہ کي عدالت دیواني ہیں نافذ ہیں اور جن قاعدوں کے مطابق گواہوں کا احضار اور اظہار ہوتا ہی اور دستاویزات عدالت مذکور میں پیش کیجاتي ہیں اُنمیں اصلاح دینا مناسب ہی پس حسب ذیل حکم ہوتا ہی *

دفعہ ۱ مجموعہ بنگالہ کے سنہ ۱۸۱۴ ع کے قانون ۲۳ کي دفعہ ۳۳ اور دفعہ ۷۳ جسقدر کہ اِس ایکت کے متناقض ہی اور اُسي مجموعہ کے سنہ ۱۸۱۴ ع کے قانون ۲۴ کي دفعہ ۱۱ کا اُس قدر مضمون جس سے یہہ مراد ہی کہ عدالت کے حکم اجرائي پر صاحب جج ہي کے دستخط ہونے لابد نہیں ہیں بر قرار رہکر دفعہ مذکور کي باقي عبارت اور سنہ ۱۸۴۳ ع کے ایکت نمبر ۶ کي دفعہ ۱ کا اُسقدر مضمون جسکي یہہ مراد ہی کہ گواہوں کا اظہار سنہ ۱۸۱۴ ع کے قانون ۲۴ کي دفعہ ۱۱ کے قاعدوں کے مطابق لیا جاوے اِس ایکت کي رو سے منسوخ ہوئیں *

دفعہ ۲ جب نالش نمبري یا سراسري ابتدائي یا اپیل یا اَوْر طرح کا مقدمہ سرکار ایسٹ انڈیا کمپني کي کسي عدالت دیواني میں یا اَوْر طرح کا مقدمہ سراسري یا معاملہ از قسم دیواني کسي عدالت یا عہدہ دار یا اَوْر کسي شخص کے حضور جسکو شہادت لینے کا اختیار قانون کي رو سے یا برضامندي فریقین حاصل ہی دائر ہووے تو فریقین میں سے ہو فریق اِسبات کا مجاز اور مستحق ہوگا کہ اپنے واسطے یا اَوْر کسي فریق کي جانب سے اُسي نالش یا اپیل یا مقدمہ میں اُسي طرح بطور گواہ شہادت ادا کرے کہ گویا فریق مذکور نالش یا اپیل یا مقدمہ مذکور میں متخاصمین سے نہیں ہی پر اِس شرط سے کہ اگر کوئي فریق مقدمہ اداے شہادت کے لیئے خود پیش آوے تو بلا رضامندي جملہ فریق مقدمہ سواے بہ کچہري عام اور اُسطرح پر جیسا حاکم عدالت بہ حفظ رسم و رواج ملک تجویز کرے اُسکي شہادت نہ لیجائیگي اِلّا ایسي صورت میں کہ باعتبار اور برعایت قواعد مندرجہ دفعہ ۳۲ اور ۳۸ اِس ایکت کے شہادت مذکور لیجاوے *

دفعہ ۳ کوئي شخص اِس دلیل سے کہ اُسکو انجام نالش سے غرض یا کہ نزاع سے اُسکو علاقہ یا واسطہ یا فریق مقدمہ سے اُسکو رشتہ داري ہی شہادت دینے سے قسم مذکور کے کسي ایسے مقدمہ میں ممنوع نہوگا *

دفعه ۴ شوهر اپني زوجه کے حق میں یا اُسکے بر خلاف اور زوجه اپنے شوهر کے حق میں یا اُسکے بر خلاف اِس شرط سے شهادت دینے کے مجاز هونگے که شهادت مذکور اُس قاعده کے مطابق کچهري عام میں لیجاوے جو بحفظ رسم و رواج ملک حاکم عدالت تجویز کرے یا یهه که شهادت مذکور باعتبار اور برعایت قواعد مندرجه دفعه ۳۲ و ۳۸ منجمله دفعات اِس ایکت کے لیجاوے اور پڑهي جاوے اور یهه بهي شرط هی که کوئي بات جو شوهر نے اپني زوجه سے یا زوجه نے اپنے شوهر سے وقت قیام عقد نکاح کے کهي هو تو وه بات امر محفوظ سمجهي جائیگي اور بلا رضامندي متکلم کے ظاهر نه کیجائیگي اِلّا اُس صورت میں که شوهر اور زوجه کے درمیان میں نالش دائر هو اور وه بات اُس نالش کے کسي امر سے متعلق هو *

دفعه ۵ سواے اُن صورتوں کے جنکے لیئے آوْر طریقه اِس ایکت میں مقرر هی جائز هی که هر فریق مقدمه سے اُسي طرح اور اُسي سبیل سے اور اُنهیں قاعدوں کے مطابق جبراً شهادت لیجاوے اور اُس سے دستاویز جو اُسکے دخل یا قبض یا اختیار میں هو داخل کرائي جاوے که گویا وه فریق مقدمه نهیں هی بر شرط یهه هی که اگر کوئي فریق مقدمه حاکم عدالت کو اِسبات سے مطمئن کرے که اُسکو بذات خود امر متنازعه کي نسبت کوئي ایسا علم حاصل نهیں هی جو مقدمه کي تجویز میں مؤثر هو اور یهه که وه کوئي ایسي شهادت ادا نهیں کر سکتا جو مقدمه کي تجویز میں اثر کرے تو ضرور نهوگا که عدالت کا حاکم فریق مذکور کو جبراً شهادت دینے کے لیئے طلب کرے لیکن اِس ضمن کي کسي عبارت سے کوئي فریق مقدمه اِسبات سے بري نهوگا که اُسکے نام سمن بحکم درپیشي دستاویز صادر کیا جاوے *

دفعه ۶ جب فریقین نے کسي مقدمه کے که جس میں واسطے تشخیص مراتب تصفیه طلب کے حسب ضابطه عدالت کوئي روز معین کیا جاتا هی وجهه ثبوت اور وجهه تردید اور اسم نویسي گواهوں کي داخل کي هو تو حاکم عدالت بذریعه روبکاري گواهوں کے اظهارات لینے کے لیئے اور مقدمه کي تجویز کے واسطے ایک روز مقرر کریگا اور وه روز تاریخ روبکاري سے پندره روز سے کم هونا نه چاهیئے *

دفعه ۷ گواهوں کي اسم نویسي جو مقدمه میں داخل هوني چاهیئے اُسمیں جمله گواهوں کے نام خواه فریقین مقدمه سے هوں یا نهوں جنکو اسم نویسي گذراننے والا خود بطور گواه حاضر کرنا چاهے یا واسطے اداے شهادت یا دستاویز حاضر لانے کے عدالت سے باجراے سمن طلب کرانا اُنکا مقصود هووے مندرج هونے چاهیئیں علاوه اُسکے جو کچهه دستاویز پیش کرانی اُسکو منظور هووے اُسکي بهي فهرست داخل هوني چاهیئے *

دفعه ۸ اگر کوئي فریق مقدمه کسي دوسرے فریق مقدمه کو شهادت دینے کے لیئے عدالت میں طلب کرانا چاهے تو وه عدالت میں سوال خاص اِس مضمون سے اصالتاً یا وکالتاً گذرانیگا که فریق مذکور کے نام سمن جاري هوکر اُسکو عدالت میں حاضر کرایا جاوے اور سائل کو لازم هوگا که حسب اطمینان عدالت اپني استدعا کي وجهه موجهه بیان کرے و اِلّا سمن جاري نه کیا جائیگا اور اُن مقدمات میں جنمیں عدالت کے ضابطه کے موافق مقدمه کي تجویز کے لیئے ایک روز مقرر هوا کرتا هی لازم هی که قبل مقرر هونے اُس تاریخ کے درخواست خاص مذکوره بالا داخل هووے *

دفعه ۹ جب کسي فریق مقدمه کي طلبي شهادت دینے کے لیئے مقصود هووے تو حاکم عدالت برطبق درخواست اُسکے وکیل کے یا اگر مناسب سمجهے تو بلا ایسي درخواست کے بهي

مجاز هی که ماقبل اجراء سمن بنام شخص مطلوب کے بذریعه اطلاع دهي اُسکے یا اُسکے وکیل کے ایک روز اِس غرض سے معین کرے که شخص مطلوب اپنے عذرات نسبت حاضري اور اداے شهادت کے پیش کرے اور حاکم موصوف کو یهه بهي اختیار هوگا که بر طبق پیش هونے وجهه موجهه اور بحالت ضرورت ایسے عذرات کے پیش کرنے کے لیئے وقتاً فوقتاً مهلت عطا کرے *

دفعه ۱۰ ضمن ۱ اگر فریق مذکور واسطے تائید اپنے عذر کے بیان تحریري گذرانے تو بشرطیکه اُسکے دستخط بیان مذکور پر ثبت هوویں اور اصالتاً یا وکالتاً عدالت میں گذرے حاکم عدالت اُسکو لے لیگا *

ضمن ۲ اگر فریق مذکور جسنے ایسا بیان تحریري داخل کیا هو عمداً اور به نیت فاسد اُسمیں خلاف واقع لکهے تو وه دروغ حلفي کا مرتکب متصور هوکر اُسي جرم میں ماخوذ هوکر به ثبوت جرم سزا اُسکي پاویگا *

دفعه ۱۱ اگر تاریخ مقرري پر یا کسي روز بعد اُسکے جو عدالت کي تجویز سے درپیشي عذر کے لیئے مهلتاً مقرر هووے عذر کافي پیش نهو تو حاکم عدالت سمن فریق مذکور کي حاضري اور اداے شهادت کے لیئے صادر کریگا *

دفعه ۱۲ بموجب درخواست کسي فریق مقدمه یا اُسکے وکیل کے حاکم عدالت مجاز هی که سمن بنام هر شخص کے جس سے کسي دستاویز مؤثر تجویز مقدمه کا درپیش کرانا مطلوب هووے جاري کرے لیکن ماقبل جاري هونے سمن کے واسطے احضار کسي شخص کے اداے شهادت یا درپیشي دستاویز کے لیئے طلب کرانے والے کو لازم هی که اولاً عدالت میں شخص مطلوب کے زاد راه وغیره اخراجات جو اُس عدالت کي آمد و رفت کے لیئے جس میں طلبي اُسکي بغرض اداے شهادت کے هوئي هی ضرور هوویں اور بهي بابت ایک روز حاضري عدالت کے جسقدر حاکم عدالت مناسب سمجهے داخل کرے اور بوقت تعین زاد راه وغیره اخراجات مذکوره کے حاکم عدالت کو لازم هی که بشرطیکه کوئي قاعده اِس باب میں عدالت اکبر یا بورڈ بالا تر سے جسکا وه تابع هی معین هوا هو اُسکي رعایت کرے اور اگر سمن کو گواه کي ذات تک پهنچانا ممکن هو تو وقت پهنچانے سمن کے زر مدخله عدالت گواه کے روبرو واسطے اُسکے قبول کے پیش کیا جاویگا اور علاوه مبلغ مذکور کے جو عدالت میں داخل هوا هو حاکم اُس عدالت کا جس میں کوئي شخص بموجب حکم سمن یا اشتهار کے واسطے دینے اظهار یا پیش کرنے کسي دستاویز کے حاضر هوا هو مجاز هی که اُس شخص سے جسنے سمن یا اشتهار جاري کرایا اُس شخص کو جو اُسطرح پر حاضر هوا جسقدر روپیه زائد که بابت زاد راه وغیره اور بهي بابت اخراجات ایام حاضر باشي شخص حاضر باش کے عدالت میں باتباع سمن یا اشتهار کے ضرور متصور هووے دلاوے اور اگر زر مذکور ادا نه کیا جاوے تو حاکم موصوف یهه حکم دے سکتا هی که مبلغ مطلوبه قرقي اور نیلام سے جائداد منقوله کے اُس شخص کے جس سے زر مذکور مطلوب هوا هو وصول کیا جاوے اور جب تک زر مطلوبه ادا نهو لیوے تب تک شخص طلب شده پر ضرور نهوگا که شهادت دے یا کوئي دستاویز پیش کرے *

دفعه ۱۳ هر سمن میں واسطے احضار کسي گواه کے بغرض اداے شهادت یا درپیشي دستاویز کے یهه حکم رهیگا که گواه مذکور تاریخ اور مقام پر جنکا تعین سمن میں ضرور هی حاضر آوے اور یهه بات بهي سمن میں لکهي جاویگي که حاضري گواه کي واسطے اداے شهادت یا درپیشي دستاویز یا بابت دونوں امر کے مطلوب هی اگر کوئي گواه خواه وه فریق مقدمه هو یا نهو واسطے

حاضري اور درپيشي کسي دستاويز کے جو مطابق بيان فريق طلب کننده کے گواه مذکور کے قبض يا اختيار ميں هو عدالت ميں طلب هووے تو سمن ميں حکم حاضر هونے کا عدالت ميں ساتهه دستاويز مذکور کے رهيگا اور نشان دستاويز کا جسکے پيش کرنے کا گواه کو حکم هوا هی وضاحت مناسب کے ساتهه سمن ميں لکها رهيگا *

دفعه ۱۴ هر ايک سمن مذکور حتی‌الامکان ذات پر اُس شخص کے جاري کيا جاوے جسکے حاضر هونے کا اُس سمن ميں حکم هی اِسطرح پر که اصل سمن اُسکو معائنه کرايا جاوے اور اُسي وقت نقل اُسکي اُسکے حواله کي جاوے يا بغرض اُسکے لے لينے کے اُسکے روبرو پيش کيجاويگي *

دفعه ۱۵ پهنچانا سمن کا گواه کے پاس اِتنے دنوں ماقبل اُس تاريخ سے جو سمن ميں اُسکي حاضري کے ليئے مندرج هی چاهيئے که اُسکو بغرض تهيه اسباب سفر اور طی کرنے منازل کے اپنے مسکن سے عدالت تک ايک ميعاد مناسب حاصل هووے *

دفعه ۱۶ هر شخص خواه وه فريق مقدمه هو يا نهو واسطے درپيشي دستاويز کے بدون طلب هونے کے واسطے دينے اظهار کے طلب هو سکتا هی اور اگر کوئي شخص جو صرف واسطے درپيشي دستاويز کے طلب هوا هو بغرض اصالتاً حاضر آنے اپنے کے اُسکي درپيشي کے ليئے اُس دستاويز کو درپيش کرواوے تو اُسکي نسبت يهه سمجها جائيگا که وه سمن کے حکم کو بجا لايا *

دفعه ۱۷ جو شخص که واسطے احضار اور اداے شهادت کے طلب هووے اُسپر واجب هی که اُسي وقت اور اُسي مقام پر جو اُن امور کے ليئے سمن ميں معين هوئے هيں حاضر آوے *

دفعه ۱۸ هر شخص جو بغرض درپيشي دستاويز کے عدالت ميں حاضر آوے تو بلا ليئے حلف يا اُسکے اظهار کے دستاويز مذکور اُس سے داخل کرائي جا سکتي هی *

دفعه ۱۹ کسي گواه کو جو فريق اُس نالش يا مقدمه کا که جس ميں وه طلب هوا هی نهو ضرور نهوگا که وه اپنے خاص وثايق ملکيت شی غير منقوله کو پيش کرے سواے اُس صورت کے که گواه مذکور نے بذريعه تحرير فريق طلب کرانے والے دستاويز سے يا اَوْر کسي شخص سے جسکے وسيله سے فريق طلب کننده دعويدار درپيشي دستاويز مذکور کا هی اقرار درپيشي کا کيا هو *

دفعه ۲۰ کسي گواه پر خواه وه فريق مقدمه هو يا نهو ضرور نهوگا که کسي دستاويز کو بابت امورات سرکاري جسکي درپيشي باعث ضرر و سبب نقصان انتظام امور سلطنت کا هو درپيش کرے يا کوئي دستاويز جو اُسکے پاس کسي دوسرے شخص کي طرف سے موجود هو بشرطيکه وه شخص اُس دستاويز کي درپيشي سے اگر خاص اُسکے قبض ميں رهتي خود معذور رکها جاتا داخل کرے *

دفعه ۲۱ کسي گواه پر جو فريق مقدمه هو ضرور نهوگا که کسي دستاويز مقبوضه يا اختياري اپني کو جو فريق طلب کننده کے مقدمه سے علاقه نه رکهے نه اُسکي تجويز ميں مؤثر هووے خواه کسي تحرير يا مراسلات کو جو گواه مذکور اور اُسکے وکيل يا مختار عدالت کے درميان تحرير پائي هو درپيش کرے ليکن اگر کوئي فريق مقدمه از خود بحيثيت گواه پيش آوے تو جو کچهه ايسي تحرير يا مراسلات اُسکي حفاظت يا قبض يا اختيار ميں هووے اور وه فريق طلب کننده کے مقدمه سے متعلق يا اُسکي تجويز ميں مؤثر هو تو اُسپر ضرور هوگا که تحرير يا مراسلات مذکور کو پيش کرے *

دفعه ۲۲ هر ايک گواه کو جسکے نام سمن بغرض درپيشي دستاويز کے صادر هووے بشرطيکه وه دستاويز اُسکي حفاظت يا قبض يا اختيار ميں هووے ضرور هوگا که دستاويز مذکور کو عدالت ميں خود لاوے يا کسي کے ذريعه سے حاضر کرے گو که به نسبت استحقاق فريق طلب کننده اُس

دستاویز کے در باب درپیش کرانے یا پڑھانے یا ادخال اُسکے کے ثبوت میں یا اُسکے مضمون فاش کرانے کے عذر معقول ہووے اور جو کچھہ ایسا عذر داخل کنندہ دستاویز کي طرف سے پیش ہووے حاکم عدالت اُسکے جواز کي نسبت تجویز کریگا اور واسطے تنقیح عذر مذکور کے حاکم عدالت مجاز ہوگا کہ دستاویز کا پیش کرنے والا جو کچھہ وجہہ ثبوت جائز اُسکي نسبت گذرانے اُسکو سماعت کرے اور حاکم عدالت کو یہہ بھي اختیار ہوگا کہ دستاویز کو معائنہ کرے اور اگر ضرور سمجھے تو کسي شخص کو دستاویز کے مُعني سمجھا دینے کے لیئے اپنا معاون مقرر کرے لیکن اولاً شخص مذکور سے اِس بات کا حلف لیا جاویگا کہ وہ اُس دستاویز کے مضمون کو صحیح صحیح صرف حاکم عدالت ھي کو سمجھاوے اور باستثناے حاکم عدالت کے اُسکے مضمون کو ظاھر نکرے سواے اُس حالت کے کہ حاکم عدالت اُس دستاویز کے داخل ثبوت ہونے کا حکم دیوے اور اگر حاکم عدالت کے نزدیک داخل کرنا دستاویز مذکور کا ثبوت میں واجب نہو تو فریقین مقدمہ کو دستاویز کے مضمون سے مطلع نکرے نہ اُسکي کچھہ یادداشت رکھي جاوے نہ اپني تجویز یا روبکاري میں اُسکے کسي معني یا نتیجہ کا ذکر لاوے بلکہ دستاویز پر بنظر شناخت کے اولاً کوئي نشان کرکے اُس فریق داخل کنندہ کو فوراً واپس کر دے اور اپني روبکاري میں یہہ امور لکھے کہ ایک دستاویز بنشاندھي اُس علامت کے جو اُس دستاویز پر دي گئي ھی فلان شخص کي استدعا سے جو اُس دستاویز کو طلب کراتا ھی طلب ہوئي اور یہہ کہ اُس شخص نے باندراج نام اُسکے جسکے قبض میں دستاویز مذکور رھي ھی بہ نسبت اُسکي درپیشي کے عذرات پیش کیئے معہ وجوھات اُن عذرات کے جو کچھہ ہوں اور بھي وجوھات حاکم عدالت کے واسطے جبراً داخل نہ کرانے اُس دستاویز کے ثبوت میں اور اگر حاکم عدالت کسي دستاویز کے درپیش کرانے یا ثبوت میں داخل کرنے سے انکار کرے تو برطبق دائر ہونے اپیلعام کے حاکم مرافعہ اپیل کا مجاز ہوگا کہ اُس دستاویز کو داخل کراوے اور اگر بہ نزدیک حاکم اپیل کے لازم تھا کہ دستاویز مذکور درپیش کرائي جاتي یا ثبوت میں داخل ہوتي تو اُسکے اختیار میں ہوگا کہ اُسکو پیش کراوے یا ثبوت میں داخل کرے اور مقدمہ کو اُس دستاویز پر بشمول دوسري وجہہ ثبوت مدخلہ مقدمہ کے فیصل کرے *

دفعہ ۲۳ کوئي بارسٹر یا اٹرني یا مختار عدالت یا وکیل بغیر رضامندي اپنے موکل کے کسي بات کو جو باعتبار عہدہ کے موکل نے اُسکي آگاھي کرائي ہو یا کوئي صلاح جو اُسنے باعتبار عہدہ کے اپنے موکل کو دي ہو یا اپنے موکل کي کسي دستاویز کے مضمون کو جس سے وہ باعتبار اپنے عہدہ کے مطلع ہوا ھی فاش نکریگا لیکن یہہ استحفاظ صرف حق موکل کا ھی پس اگر کوئي فریق مقدمہ خود بخود اُس مقدمہ میں شہادت ادا کرے تو اُس سے یہہ متصور ہوگا کہ وہ اُس حق سے دستبردار ہوا اور اِسبات پر راضي ہوا کہ ایسا بارسٹر یا اٹرني یا مختار عدالت یا وکیل مراتب مذکورہ بالا میں سے کسي ایسے مراتب کو فاش کرے جو مقدمہ کي تجویز سے علاقہ رکھے اور جسکو بارسٹر یا اٹرني یا مختار عدالت یا وکیل پر اُس حالت میں فاش کرنا لازم ہوتا اگر موکل کا حق مقرر نکیا جاتا اور بارسٹر یا اٹرني یا مختار عدالت یا وکیل پر فرض ہوگا کہ اپنے اظہار میں مراتب مذکور کو فاش کرے *

دفعہ ۲۴ اگر کوئي گواہ خواہ وہ فریق مقدمہ ہو یا نہو جسکي ذات تک کوئي سمن واسطے اداے شہادت یا درپیشي دستاویز کے پہنچا دیا گیا ہو بلا عذر جائز سمن کي تعمیل میں جیسا اِس ایکٹ میں حکم ھي قصور کرے یا عدالت میں حاضر یا موجود ہوکر بلا عذر جائز بہ نسبت اداے شہادت یا کرنے دستخط کے اپنے اظہار پر یا درپیشي کسي دستاویز کے جو اُسکي حفاظت یا قبض میں ہو اور جسکا ذکر سمن میں حسب مذکورہ بالا مندرج ہوا جبکہ اِس باب میں عدالت

سے اُسکو حکم هوا هو انکار کرے تو حاکم عدالت کو اقتدار اور اختیار کامل اِس بات کا هوگا که حکمنامه بنام ناظر بغرض گرفتاري اور حاضر لانے گواه کے عدالت میں یا اگر گواه عدالت میں موجود هی تو بغرض اُسکي گرفتاري کے صادر کرے اور حاکم موصوف مجاز هوگا که به سزاے قصور یا انکار کے گواه مذکور پر کسي تعداد سے جرمانه کرے جو پانچ سو روپیه سے زیاده نهو اور جرمانه مذکور گواه کي جائداد کي قرقي اور نیلام سے ممکن‌الوصول هوگا اور حاکم موصوف کو اختیار هوگا که جب تک گواه مذکور دینا شهادت کا یا دستخط کرنا اظهار پر یا درپیش کرنا دستاویز کا قبول نکرے تب تک اُسکو قید رکھے اور جرمانه مجوزه مذکور گواه کي جائداد کي قرقي اور نیلام سے وصول کیا جاویگا پر شرط یهه هی که کوئي جرمانه جو اِس دفعه کے احکام کے مطابق کسي پر عائد کیا جاوے شی دعوي کي مالیت سے زیاده نهو اور اگر ایسا کوئي گواه فرار یا روپوش هوجاوے که اُس سبب سے اُسکي گرفتاري اور احضار عدالت ممکن نهو تو اُسکي جائداد اُسي طرح قرق اور نیلام هو سکتي هی جس طرح که اِس ایکٹ کي دفعه ۲۷ میں حکم هی به نسبت کسي گواه کے جسکي ذات خاص پر سمن جاري نهیں هو سکتا اور اگر شخص مذکور فریق مقدمه هو تو حاکم عدالت مجاز هی که بعوض طریقه مذکوره بالا کے بشرطیکه گواه مذکور مدعي یا اپیلانٹ یا سائل هو تو اُسکے استغاثه یا اپیل یا سوال کو ڈسمس کرکے خرچه اُسکے ذمه عائد کرے اور در حالتیکه وه مدعاعلیه یا رسپانڈنٹ هو تو به نسبت ایسے مدعاعلیه یا رسپانڈنٹ کے مقدمه کو یکطرفي سماعت کرکے تجویز اور فیصل کرے اور اگر ایسا کوئي استغاثه یا اپیل یا سوال بوجهه مذکوره بالا ڈسمس کیا جاوے تو مستغیث یا سائل کے اختیار میں نهوگا که به نسبت اُسي امر کے کوئي دوسرا سوال یا اپیل یا استغاثه پیش کرے *

دفعه ۲۵ اگر کوئي شخص خواه وه فریق مقدمه هو یا نهو عدالت میں حاضر هو تو حاکم عدالت مجاز هی که نسبت اداے شهادت یا درپیشي کسي دستاویز کے جو اُسکے پاس اُسوقت اُس جگهه في‌الواقع موجود یا اُسکے اختیار میں هو حکم صادر کرے اور اُسي طرح اور برعایت اُنهیں قواعد کے اُس سے جبراً اظهار کرایا جاوے یا وه دستاویز پیش کرائي جاوے که گویا سمن بحکم احضار اور اداے شهادت یا درپیشي اُس دستاویز کے اُسکے نام جاري هو چکا هی اور علی هذالقیاس وه شخص بعلت عدم تعمیل حکم عدالت کے سزاوار سزا هوگا *

دفعه ۲۶ اگر کوئي شخص خواه وه فریق مقدمه هو یا نهو جسکي ذات تک سمن واسطے احضار اور دینے گواهي یا درپیشي دستاویز کے پهنچایا گیا هو بلا عذر جائز سمن کے حکم کي تعمیل میں غفلت یا انکار کرے یا اِس مراد سے فرار یا روپوش هو جاوے که ایسا سمن اُسکے پاس نه پهنچ سکے اور بهي اگر کوئي شخص جو عدالت میں موجود هووے اور عدالت سے اُسکو واسطے دینے گواهي یا درپیشي دستاویز کے جو اُسکے قبض میں هووے حکم دیا جاوے بلا عذر جائز دینے سے گواهي کے یا دستخط کرنے سے اپنے اظهار پر یا درپیشي سے کسي دستاویز کے جو اُسکے قبض میں هووے انکار کرے تو علاوه اُس تدارکوں کے جو اِس قانون کي رو سے هو سکتے هیں ذمه‌دار اُس فریق کا که جسکي درخواست کے مطابق سمن جاري هوا یا واسطے دینے اظهار یا درپیش کرنے دستاویز مذکور کے اُسکو حکم هوا بابت سب ضرر کے جو فریق مذکور کو به سبب ایسي غفلت یا انکار یا فرار یا روپوشي مذکور کے عائد حال هوا هی هوگا اور بذریعه نالش عدالت دیواني کے تاوان اُس ضرر کا وصول کیا جا سکتا هی *

دفعه ۲۷ اگر کوئي شخص خواه وه فریق مقدمه هو یا نهو جسکے احضار کے لیئے واسطے اداے شهادت یا درپیش کرنے دستاویز کے سمن جاري هوا هو بعد تجسس کامل کے ملاقي نهو سکے اور کیفیت ناظر کي متضمن عدم ملاقات کے گذرے تو حاکم عدالت به ثبوت اِس امر کے که شهادت

گواہ مذکور کي یا درپیشي اُس دستاویز کي مقدمہ میں مؤثر ھی اور یہہ کہ گواہ مذکور اِس مراد سے فرار یا روپوش ھوا ھی کہ سمن اُسکے پاس نہ پہنچ سکے اور یہہ کہ شخص مذکور بعد تجسس کامل ملاقي نہو سکا یا یہہ کہ اُسکے پاس پہنچانا سمن کا ناممکن تھا مجاز ھی کہ اشتہار بحکم احضار گواہ مذکور کے واسطے اداے شہادت یا درپیشي اُس دستاویز کے بوقت اور مقام مندرجہ اشتہار کے جاري کرے اور اشتہار مذکور بمشافہہ دو شخص خانہدار ذي عزت کے بہ ثبت اُنکے دستخط کے کسي جہگہ نمودار میں اُوپر مکان یا مسکن شخص طلب شدہ کے خواہ قریب اُسکے آویزان کیا جاویگا اور اگر شخص مذکور اُس وقت اور اُس مقام پر جو اشتہار میں مندرج ھوا حاضر نہ آوے اور حسب اطمینان عدالت ثابت ھو کہ گواہ مذکور ملاقي نہیں ھو سکتا تو اُسکي جائداد منقولہ اور غیر منقولہ اُس تعین سے جو حاکم عدالت مناسب تجویز کرے عدالت کے حکم سے قابل قرقي اور نیلام کے ھوگي مگر جو اشیاء کہ باقي مالگذاري کي قرقي سے معاف کي گئي ھیں اِس قرقي سے بھي معاف رکھي جاوینگي لیکن ھر صورت میں یہہ شرط رھے کہ جب حکم قرقي اور نیلام کا کسي عدالت تابع عدالت دیواني صدر سے صادر ھووے تو اپیل سرسري اُسکا تاریخ حکم عدالت ماتحت سے ایک مہینے کي میعاد کے اندر اُس عدالت میں رجوع ھو سکتا ھی جہاں عدالت ماتحت کي اپیل عموماً رجوع ھوا کرتي ھی اور جو قواعد بابت نیلام کے بیچ مقدمات اجراے ڈگري کے در باب طریقہ اور ایام قرقي اور مقام یا طرز نیلام اور دعویداري اشخاص ثالث کي نسبت بہ جائداد مقروقہ اور مشتہرہ نیلام کے اُس زمانہ میں جاري ھوویں وہ قواعد اِس نیلام سے بھي متعلق سمجھے جاوینگے جو اِس دفعہ کي رو سے عمل میں آوے *

دفعہ ۲۸ ضمن ۱ . قرقي کا خرچہ اولاً وہ شخص جمع کریگا جسنے استدعاے قرقي کي کي اور جس عدالت سے سمن اور قرقي کا حکم ھوا ھی اُسکا حاکم نیلام کا حکم دفعۃً صادر نکریگا بلکہ اگر گواہ مذکور عدالت میں حاضر آکر حاکم کو اِسبات سے مطمئن کر دے کہ گواہ مذکور اِس غرض سے فرار یا روپوش نہیں ھوا کہ سمن اُس تلک نہ پہنچے اور یہہ کہ اشتہار ھونے سے ایسے وقت اُسکو اطلاع نہوئي کہ وہ اُس زمان اور مکان میں جو اشتہار میں مندرج ھی حاضر آسکتا تو حاکم عدالت حکم برخاستگي قرقي کا صادر کریگا اور جب ایسا گواہ عدالت میں حاضر ھو تو حاکم عدالت بہ نسبت خرچہ قرقي کے جو حکم مناسب سمجھے صادر کریگا اور اگر گواہ مذکور حاضر ھوکر حاکم کو اِسبات سے مطمئن نکرے کہ وہ اِس مراد سے فرار یا روپوش نہیں ھوا تھا کہ اُسکے پاس سمن نہ پہنچ سکے یا یہہ کہ اُسکو حسب مذکورہ بالا اشتہار سے اطلاع نہوئي تو حاکم عدالت کو اختیار ھوگا کہ جائداد مقروقہ کا کل یا جزء ضبط کرکے واسطے اداے خرچہ کے جو گواہ کے قصور یا فرار یا روپوشي کے باعث سے صرف ھوا اور بھي واسطے وصول کرنے اُسقدر زر جرمانہ کے کہ وہ مالیت مقدمہ سے زیادہ نہو جسکا عائد کرنا اُوپر گواہ کے بنظر سب حالات مقدمہ اور حیثیت گواہ کے حاکم عدالت کے نزدیک مناسب ھو حکم نیلام کا صادر کرے یا حاکم عدالت مجاز ھی کہ بر طبق ادا ھونے زر خرچہ اور جرمانہ مصرحہ صدر کے حکم واگذاشت جائداد مقروقہ کا صادر کرے *

ضمن ۲ جو حکم اِس دفعہ کي رو سے صادر ھووے اُسکي اپیل اُسي طرح اور اُسي میعاد کے اندر جائز ھی جس طرح اور جس میعاد کے اندر قرقي اور نیلام کے حکم سے اِس ایکٹ کي دفعہ سابق یعني ۲۷ کے مطابق ھو سکتي ھی *

دفعہ ۲۹ جو حکم نسبت بہ جرمانہ یا وصول جرمانہ یا قید اِس ایکٹ کي رو سے صادر ھووے اُسکي اپیل حکم کي تاریخ سے ایک مہینے کي میعاد کے اندر اُسي طرح جیسا اُوپر ذکر ھوا ھوني جائز ھی *

دفعه ۳۰ کسي مقدمه کي سماعت اور تجويز کو اِس سبب سے که دستاويز پيش نهوئي يا واسطے اظهار گواه کے جسنے حاضري ميں غفلت يا انکار کيا يا فرار روپوش هو رها يا اُسکے پاس سمن نهيں پهنچ سکتا زياده ايام مناسب سے جو بلحاظ جمله حالات مقدمه کے حاکم عدالت کي راے ميں کافي هوں ملتوي رکهنا ضرور نهوگا ليکن اِس شرط سے که جب کسي مقدمه ميں کسي مدعي يا اپيلانت کے احضار کے ليئے واسطے دينے اظهار يا پيش کرنے کسي دستاويز کے سمن جاري هوا هو تو بموجب درخواست مدعاعليه يا رسپانڈنت کے بشرطيکه کوئي وجهه موجهه نا منظوري اُسکي درخواست کي وجود نرکهے حاکم عدالت پر لازم هوگا که حکم التواے سماعت يا انفصال مقدمه کا اُس ميعاد تک صادر کرے که مدعي يا اپيلانت کي ذات تک سمن پهنچے يا که وه حاضر آکر اظهار دبوے يا دستاويز مطلوبه کو در پيش کرے اور جب کسي مدعاعليه يا رسپانڈنت کے احضار کے ليئے واسطے دينے اظهار يا درپيشي دستاويز کے سمن جاري هوا هو تو بموجب درخواست مدعي يا اپيلانت کے به شرطيکه کوئي وجهه موجهه نامنظوري اُسکي درخواست کي وجود نه رکهے حاکم عدالت کو لازم هوگا که اُسي طرح حکم التواے سماعت يا انفصال مقدمه کا اُس ميعاد تک صادر کرے که مدعاعليه يا رسپانڈنت کي ذات تک سمن پهنچے يا که وه حاضر آکر اظهار دبوے يا دستاويز مطلوبه کو درپيش کرے *

دفعه ۳۱ جو روز مقدمه کي سماعت اور تجويز کے ليئے مقرر هو اُسي روز گواهان حاضرين کے اظهارات زباني به کچهري عام روبرو اور به سماعت اور رعايت حکم اور اهتمام صاحب جج کے ليئے جاوينگے اور ايسے اظهارات ليني کے وقت هر ايک گواه کا اظهار يا تو خود صاحب جج لکهينگے يا حاکم موصوف کے روبرو اور اُنکے اهتمام ميں لکها جاويگا اور ايسے اظهار اکثر جواب و سوال کے طور پر نه لکهے جاوينگے بلکه به شکل بيان مسلسل اور جب اظهار تمام هو جاوے تب گواه کو سنا ديا جاويگا اور صاحب جج اور متخاصمين يا اُنکے وکلاء سے جو حاضر هي اُسکے روبرو گواه کے دستخط ثبت کيئے جاويں اور اگر گواه اظهار پر دستخط کرنے سے انکار کرے تو صاحب جج خود گواه کے اظهار پر دستخط کرکے جو کچهه وجهه انکار کي گواه بيان کرے اور بهي اپني تجويز نسبت بانکار جو کچهه مناسب سمجهيں قلمبند کرينگے اور اگر خاص وجهه پائي جاوے يا احدالفريقين يا اُسکا وکيل چاهے تو صاحب جج کو اختيار هوگا که کسي سوال يا جواب خاص کو قلمبند کرے يا کراوے اور اگر نسبت پوچهنے کسي سوال کے گواه سے کسي فريق يا اُسکے وکيل کو عذر هو اور حاکم واسطے پوچهنے اُس سوال کے اجازت دے تو وه سوال اور جواب لکهاجاويگا اور بر وقت لکهنے اظهار کے وه عذر اور نام اُس فريق کا جسنے وه عذر کيا معه تجويز حاکم کے نسبت اُس عذر کے شرح کيا جاويگا اور اگر بر وقت تجويز اظهار کسي گواه کے صاحب جج اُسکي طرز اور وضع کي نسبت ايسا کوئي امر ديکهيں که لائق لحاظ کے هووے تو اُنکو لازم هوگا که ذکر اُسکا بهي لکهيں *

دفعه ۳۲ بيچ اُن مقدمات کے جنميں عورات کا اظهار ضرور هو اور بنظر رسم ملک کے حاضر کرانا اُن عورات کا عدالت ميں بطور گواه کے مناسب نهو بشرطيکه اُن مقدمات ميں بنزديک حاکم عدالت کے ضرور اور مقتضاے انصاف هووے تو حاکم عدالت کے اختيار ميں هي که کميشن بنام کسي عهده دار اُس عدالت يا اَوْر کسي شخص کے که جسکا نام اُس کميشن ميں مندرج هونا ضرور هي واسطے لکهنے اظهار عورات مذکوره کے به مسمع فريقين مقدمه يا اُنکے وکلاء کے جسطرح سے که عدالت بنظر حفظ رسم و رواج ملک کے حکم دے جاري کريں اِس اجازت کے ساتهه که فريقين مقدمه يا اُنکے وکلاء سوالات جرح کے گواه سے کريں گو که دفعه ۵ ايکٹ نمبر ۷ سنه ۱۸۴۱ ع ميں کوئي عبارت اِس مطلب کي نقيض هو *

دفعه ۳۳ اُس تاریخ جو مقدمہ کي تجویز کے لیئے مقرر هوئي یا اُس سے پیشتر بموجب درخواست کسي فریق مقدمہ کے اگر وجہہ موجہہ پائي جاوے مثلاً یہہ بات معلوم هووے کہ کوئي گواہ جسکا اظہار مقدمہ کي تجویز میں مؤثر هی حاضر آنے سے مجبور هی یا اَوْر کسي وجہہ معقول سے مقدمہ کو ملتوي رکھنا مناسب هو تو حاکم عدالت مجاز هوگا کہ برعایت شرائط کے نسبت اداے یا عدم اداے خرچہ طرف ثاني کے جسقدر کہ بسبب التواء مقدمہ کے اُسکے عائد حال هوا جیسا کہ مناسب سمجھے تجویز مقدمہ کے لیئے دوسرا روز بقید تاریخ مقرر کرے اور ایسي صورت میں بشرط اِسکے کہ فرصت ایام هووے اور صاحب جج ایسا حکم دیوے تو هر گواہ کو اِس بات کي اطلاع تحریري دیجاویگي کہ وہ اُس تاریخ میں جو بعوض تاریخ مندرجہ اُسکے سمن کے ثانیاً مقرر هوئي هی حاضر آکر گواهي دے یا دستاویز کو پیش کرے اور اطلاعنامہ مذکور اُسي طور پر پہنچایا جاویگا جسطور پر سمن پہنچایا جاتا هی اور اگر اطلاعنامہ مذکور گواہ کے پاس پہنچ جاوے تو نتیجہ اُسکا وهي هوگا کہ گویا تاریخ ثاني اُس سمن میں بطور اُس تاریخ کے هی جو براے احضار گواہ کے عدالت میں واسطے دینے اظہار یا درپیشي دستاویز کے اولاً درج هوئي هی اور سب احکام جو اِس ایکٹ میں نسبت اجراے سمن کے واسطے دینے اظہار یا درپیشي دستاویزات کے مندرج هیں اِن اطلاعنامجات سے اُسي طرح متعلق سمجھے جاوینگے کہ گویا ایسے اطلاعنامے خاص اُن احکام میں تشریح پائے اور اگر التواء کي درخواست گذرنے میں اِسقدر تعویق هوئي کہ اطلاعنامہ کو گواہ تک پہنچانا متعذر هو تو حاکم عدالت مجاز هوگا کہ اِس طور پر حکم صادر کرے کہ اظہار کسي گواہ کا جو موجود هی یا باتباع حکم سمن عدالت میں حاضر آیا لکھا جاوے اور یہہ کہ بعد لکھے جانے ایسے اظہار کے مقدمہ صرف واسطے باقي تحقیقات اور تجویز کے ملتوي رهے *

دفعه ۳۴ اگر مقدمہ کي سماعت بطور مذکورہ بالا ملتوي نہ کیجاوے تو بتاریخ مقرري یا اُسکے بعد ایسے مقدمات پر کہ جنکي سماعت مقدم هی لحاظ هوکر جسقدر جلد هو سکے اُسکي تجویز شروع هوگي اور جب اظہار برعایت قواعد مندرجہ بالا بیچ تجویز کسي مقدمہ کے شروع هوویں تو درصورتیکہ کوئي وجہہ موجہہ کہ قلمبند هونا اُسکا ضرور هی پائي نہ جاوے اُسي روز یا هر روز کچہري کے علی الاتصال جب تک کہ اظہار سب گواهان حاضرین کے ختم نہو لیویں لکھے جاوینگے اور بعد اُسکے تقریر زباني فریقین مقدمہ کي یا اُنمیں سے جو کوئي چاهے نسبت حقیت مقدمہ بلحاظ امور متنازع روئدادي اور قانوني کے اصالتاً یا وکالتاً سني جاویگي اور بعد غور کے اُوپر بحث اور وجہہ ثبوت کے صاحب جج کو لازم هوگا کہ فیصلہ اپنا سنہ ۱۸۴۳ ع کے ایکٹ نمبر ۱۲ کے مطابق لکھے *

دفعه ۳۵ اگر بعد سماعت اظہار سب گواهوں کے اور ماقبل بحث وکلا یا لکھنے تجویز کے حاکم عدالت کے نزدیک مقتضاے انصاف هووے کہ کوئي دستاویز ملاحظہ کیجاوے یا کسي فریق مقدمہ یا اَوْر شخص کا اظہار لیا جاوے جو مؤثر مقدمہ هو تو حاکم عدالت کو اختیار هی کہ از خود اُس فریق یا شخص کو واسطے حاضر هونے کے بطور گواہ بغرض دینے اظہار یا درپیشي اُس دستاویز کے جو اُسکے قبض میں هو اُس تاریخ میں جو مقرر کیجاوے بذریعہ سمن کے طلب کرے اور اظہار اُس فریق مقدمہ یا اُس شخص کا بطور گواهي کے کچہري عام میں یا اَوْر کسیطرح جیسا حاکم تجویز کرے باستفسار ایسے سوالات کے جنکا جواب دینا اُسپر لازم هووے اور حاکم عدالت لازم جانے قلمبند کرے اور جو کچھہ دستاویز سمن میں مذکور هو اور وہ کسي ایسے شخص کے قبضہ یا اختیار میں هو اور اُسکا درپیش کرنا اُسپر لازم هو اگر حاکم عدالت ضرور سمجھے اُسکو بھي جبراً

پیش کراوے اور کوئي گواہ جو اِس طرح پر طلب کیا جاوے تو فریقین یا اُنکے وکلاء اُس سے سوالات کر سکتے هیں اور اگر شخص مذکور خواہ وہ فریق مقدمہ هو یا نہو ایسي عورت هو کہ جسکا حاضر کرانا عدالت میں بلحاظ رسم ملک کے بطور گواہ مناسب نہو تو حاکم عدالت مجاز هوگا کہ اظہار اُسکا بموجب بند سوالات کے جو حاکم تجویز کرے اِس ایکٹ کي دفعہ ۳۲ کے مطابق لیا جاوے اور صاحب کمیشن خواہ اَوْر شخص جو ایسي صورت میں گواهي لینے کے لیئے مامور کیئے جاویں مجاز هونگے کہ سواے بند سوالات کے جو سوالات اُنکي تجویز میں ضرور هوں یا حاکم عدالت کے سوالات کے جوابات سے پیدا هوں کریں *

دفعہ ۳۶ صاحب جج اِسبات کے مجاز هیں کہ کسي گواہ کا اظہار لکھے جانے کے وقت یا قبل اُسکے کچہري عام میں یہہ اعلان دیویں کہ جملہ گواہ یا کوئي منجملہ اُنکے خواہ وہ فریق متدمہ هوں یا نہوں جو اُس مقدمہ میں طلب هوئے هوں یا اُنکے نام گواهوں کي اسم نویسي میں داخل هوں کچہري کے باهر جاکر تا حکم ثاني عدالت کے باهر حاضر رهیں اور اگر کوئي گواہ متدمہ کا بر خلاف ایسے اعلان کے بلا عذر جائز عمداً کچہري کے اندر موجود رهے یا عدالت میں آوے تو جو سزا کہ واسطے گستاخي کے کچہري عام میں مقرر هی سزاوار اُسکا سمجھا جاویگا اور جب ایسا اعلان دیا جاوے تو بر وقت اُس اعلان کے علانیہ سب لوگوں کو عدول حکمي کے نتیجہ سے آگاہ کردیا جاوے *

دفعہ ۳۷ جس کسي فریق نالش یا اپیل یا مقدمہ متفرقہ کا اظہار بطور گواہ کے اُس مقدمہ یا اپیل میں قلمبند هووے تو مطابق اُنهیں قواعد کے لیا جاوے جو اُس زمانہ میں بہ نسبت لیئے جانے اظہار گواهوں کے نافذ هیں جو فریقین مقدمہ سے نہیں سواے اُس حالت کے کہ اِس ایکٹ میں کوئي دوسرا حکم بہ نسبت اُسکے مندرج هو اور اگر وہ جھوٹھا اظہار دیوے تو بپاداش اُسکے اُسیطرح سزاوار سزا کا هوگا گویا کہ وہ فریق مقدمہ سے نہیں هی *

دفعہ ۳۸ الفاظ گواہ اور گواهان جو ایکٹ نمبر ۷ سنہ ۱۸۴۱ ع میں مستعمل هیں مقدمہ کے فریق یا فریقین کے بھي حاوي هیں اور ایکٹ مذکور کي عبارت اُسیطرح سے سمجھي جائیگي کہ گویا الفاظ فریق یا فریقین مع الفاظ گواہ یا گواهان اُسمیں شامل هیں پر شرط یہہ هی کہ اظہار کسي فریق مقدمہ کا جو اِس دفعہ کے احکام کے مطابق فریق ثاني کي درخواست پر قلمبند هوا هو بدون لیئے جانے ثبوت مندرجہ دفعہ ۵ ایکٹ مذکور کے فریق ثاني کي طرف سے بطور ثبوت پڑھا جا سکتا هی اور یہہ بھي شرط هی کہ کسي فریق مقدمہ کا اظہار جو بموجب احکام اِس دفعہ کے لیا جاوے تو وہ اظہار نہ پڑھا جاویگا نہ داخل ثبوت هوگا سواے اُس صورت کے کہ وہ اظہار مطابق درخواست فریق ثاني مقدمہ کے لیا جاوے اور پڑھا جاوے یا ثابت هووے کہ گواہ مذکور بسبب بیماري یا نا طاقتي کے اظہار دینے کے لیئے اصالتاً حاضر آنے سے مجبور هی یا بلا سازش اور بدون لحاظ مقدمہ عدالت سے ایسے فاصلہ بعید پر مقیم هی کہ حاکم عدالت کي دانست میں حاضر کرانا اُسکا عدالت میں اداے شہادت کے لیئے نامعقول هی چنانچہ صورت اخیر میں حاکم عدالت کو اختیار هی کہ بلحاظ حیثیت مقدمہ اور اظہار کے جو دیا گیا نسبت پڑھے جانے یا نہ پڑھے جانے شہادت مذکور کے بطور ثبوت کے حکم صادر کرے *

دفعہ ۳۹ صاحب جج کے کسي حکم یا تجویز سے نسبت طلبي یا لینے گواهي کسي فریق مقدمہ کے یا پڑھوائے جانے کسي اظہار کے بطور ثبوت کے بموجب دفعہ ۳۸ اِس ایکٹ کے کوئي اپیل جائز نہوگي *

دفعه ۴۰ اگر کسي ایسے مقدمه کا کوئي فریق کسي دستاویز کو جو اُسکے قبضه یا اختیار میں هو کسي پلیڈنگس یعني کاغذات سوال و جواب یا بیان میں بطور ثبوت یا دستاویز مؤثر بتائید اپنے دعوي یا جواب کے نشان دیوے تو لازم هوگا که دستاویز مذکور کو اُسي پلیڈنگس یعني کاغذ سوال و جواب یا بیان کے ساتهه داخل کرے اِلّا اُس حالت میں که حاکم عدالت بلحاظ وجهه موجهه اُسکے ادخال کے لیئے مهلت دیوے اور خود هر فریق یا اُسکے وکیل کو استحقاق هوگا که دستاویز مذکور کو معائنه کرے اور اُسکي نقل لیوے *

دفعه ۴۱ اِس ایکت کے معني کے استخراج کرنے میں لفظ عدالت سے سرکار ایست انڈیا کمپني کي هر عدالت دیواني مراد هی اور اُس لفظ میں صاحب جج یا اهلکار یا اَوْر شخص جو اِس ایکت کي دفعه ۲ میں مذکور هیں داخل هیں اور لفظ جج سے هر عدالت کا حاکم اعلیٰ مراد هی اور اُس لفظ میں هر اهلکار اور وه شخص جسکو از روے قانون یا باجازت فریقین گواهوں کي شهادت لینے اور حاکمانه عمل کرنے کا اختیار هو شامل هی اور لفظ مقدمه سے هر قسم کا مقدمه اور اپیل اور معامله جو دفعه ۲ میں مذکور هیں مراد لیجائیگي اور لفظ گواه میں هر شخص جو گواهي دینے کا مجاز اور لائق هو خواه وه فریق مقدمه هو یا نهو شامل هوگا اِلّا بشرط اِسکے که اِس ایکت میں اِن مراتب کے خلاف کوئي عبارت پائي جاوے یا یهه که مبحث یا قرینه میں کوئي ایسا امر موجود هو جو تعریفات مذکوره کا نقیض هووے یا کوئي ایسا امر پایا جاوے جس سے تعریفات مذکور مبحث سے غیر متعلق معلوم هوویں اور صیغه مذکر صیغه مؤنث کا اور صیغه واحد صیغه جمع کا حاوي هوگا اور برعکس اِسکے *

دفعه ۴۲ اِس ایکت کے احکام صرف دیواني معاملات اور پریزیڈنسي فورٹ ولیم بنگاله میں نافذ هونگے اور ملکه عالیه کے محکمه جات سوپریم کورٹ میں نافذ نهونگے *

دفعه ۴۳ اِس ایکت کي دفعه ۹ و ۱۰ و ۱۱ ضلع چاٹگام اور ضلع سلهٹ سے متعلق نهونگي *

دفعه ۴۴ یهه ایکت پهلي جنوري سنه ۱۸۵۴ع کو نافذ هوگا *

No. 938.—*To the Civil Authorities in the North Western Provinces.—Agra, the 19th May* 1855.

In continuation of their Circular Order No. 1840, dated 30th August, and published in the *Agra Government Gazette* of the 12th of September last, the Court notify for general information, that from and after the 1st of July next, every petition of special appeal, received from a Zillah Appellate Court under the provisions of Section 5, Act XVI. of 1853, or filed in this Court either in person or by vukeel, which is not drawn up in strict accordance with the terms of Section 6 of the same Act, as quoted in the margin*, will be at once rejected without hearing.

* "Every petition for a special appeal shall set forth concisely, and under distinct heads, the grounds of objection to the decision appealed, *without any argument or narrative*, and such grounds shall be numbered consecutively."

2nd.—The Court take this opportunity of observing, that the only grounds on which a special appeal will lie under Act XVI. of 1853, are those specified in Section 4 of that Act; viz.

"*1st.*—On the ground that the decision hath failed to determine all material "points in difference in the cause, or hath determined the same or any of them "contrary to law, or usage having the force of law."

"*2nd.*—On the ground of a misconstruction of any document.

"*3rd.*—On the ground of any ambiguity in the decision affecting the merits.

"*4th.*—On the ground of any substantial error or defect in procedure, or in the "investigation of the case, provided such error or defect be apparent on the record, "and shall have produced, or be likely to have produced, any error or defect in the "decision of the case upon the merits. Provided always that no such special appeal "shall lie, nor shall any such decision be reversed, altered, or remanded, by any of the "said Sudder Courts, upon the ground that the decision of any question of fact is con-"trary to, or not warranted by, the evidence duly taken in the cause, or any probabi-"lity deduced from the record." And every petition of special appeal should specify under which of these four heads the several objections to the decision appealed against fall.

No. 1080.—*To the Civil Authorities in the North Western Provinces.—Agra, the 16th June* 1855.

THE Court, having been given to understand that it is very generally the custom of the Civil Authorities in calling for bewustahs from the Hindoo Law Officer, to forward for his perusal, sometimes the pleadings, and sometimes the entire record of the case, in which the bewustah is required, are pleased to prohibit the continuance of the practice, and to call the attention of the subordinate Courts to their decision, dated 13th February 1851, in the case noted in the margin*, which declares the correct mode of procedure, when a reference to the Hindoo Law Officer of the Court may be found necessary for an exposition of any points of Hindoo Law.

* Goshein Madho Raojee, Plaintiff, Appellant, *versus* Bethulnath and others, Defendants, Respondents.

2nd.—The same rule will be considered applicable to the instance of futwahs sent for from the Mahomedan Law Officer of the Court.

No. 1070.—*To the Zillah Judges in the North Western Provinces.—Agra, the 18th June* 1855.

THE Court, adverting to their recent Circular No. 938, dated 19th ultimo, and published in the *Agra Government Gazette* of the 5th instant, indicative of the proper procedure in regard to petitions of Special Appeal, presented under Act XVI. 1853, think it right to request that the Judges of Districts will take an early opportunity of assembling the Vukeels of their own, and the Principal Sudder Ameens' Courts, and, in calling their attention to the provisions of that Law, as declared and explained in the Circular quoted, will impress upon the pleaders the obligation that rests upon them, of declining to endorse petitions of Special Appeal, for which the terms of the enactment give no warrant, and of discouraging their clients from an useless recourse to such prolongation of litigation, where no legal grounds for preferring the application are found to exist.

2nd.—In issuing this cautionary injunction, the Court can, of course, have no desire of checking a legitimate employment of any means of redress provided by the Legislature; they only seek to render applicable the practical experience obtained by them, since the Act has come into operation, of its frequent abuse, or vexations, and unwarranted use, on the part of special Appellants, to the future saving of expense, and avoidance of delay and disappointment, to suitors.

No. 1183.—*To the Civil and Sessions Judges in the North Western Provinces.—Agra, the 3rd July* 1855.

THE Officiating Civil and Sessions Judge of Mynpoory has brought to the notice of the Court, the defective state of the library attached to his English Office, many of the books belonging to it, having been lost or abstracted, and has suggested that the Head Clerk of the English Office be made Librarian, and be considered responsible for the custody and preservation of the books.

2.—The Court, while concurring in this suggestion, would take the opportunity of calling the attention of the Zillah Judges to the obligation imposed upon them by the Government Notification, No. 793, of the 25th of November 1841, (Acts and Orders for 1849, page 18,) of certifying to the completeness and good condition of the Government Regulations, and other works composing the Library of their English Offices, at the time of receiving and making over charge. This, the Court are inclined to think, is looked upon as a mere matter of form, though the officer signing the receipt ought first to satisfy himself of the truth of what it contains, he being the responsible party if any books should afterwards be found wanting.

3.—Looking however to the circumstances under which officers very frequently receive and make over charge, the Court are of opinion that some further precaution is necessary for the better preservation of these Libraries, and they are pleased therefore to issue the following directions:—

1*st.*—The Head Clerk of the English Office to be appointed Librarian. He will be primarily responsible for the custody and preservation of the books composing the Office Library, but this will not relieve the Judge from the general responsibility devolving on him as Head of the Office.

2*nd.*—Correct catalogues should be made of the books in the Library. It might be useful to insert a column in the catalogue shewing the date of receipt of each book. The catalogues to be of English paper and strongly bound for permanent record.

3*rd.*—Each book should have a number labelled upon it, corresponding to a number in the catalogue, and as fresh additions are made to the Library, they should be labelled and numbered in like manner.

4*th.*—Whenever a book is required out of the Library by any officer other than the Judge competent to require the same, the Librarian should send a receipt on a slip of paper, which the recipient will sign and return on getting the book. Such receipts to be destroyed on the book being returned to office.

5*th.*—The above rules, without going into further detail, will be sufficient to point out the object the Court have in view, viz., the due preservation of books which are the property of Government, and Zillah Judges are requested to act at once on the above directions, and to mention the fact of their having done so in their next Annual Report.

No. 1211.—*To the Civil Authorities, North Western Provinces.—Agra, the 7th July* 1855.

THE Court of Sudder Dewany Adawlut publish, for general information, a Resolution recorded on this date, relative to the mode of removing from the file petitions of Special Appeal, &c., in which the petitioners fail to attend. The Court direct that the principle of this Resolution be acted upon by the Civil Courts in regard to striking off in default cases, in which, after the completion of the pleadings, the plaintiff or appellant fails to attend, either in person or by vukeel, on the day the case comes on for hearing.

(Copy.)—*Resolution of the Court of Sudder Dewany Adawlut, dated 7th July* 1855.

The Court having taken into consideration the present practice, as laid down in their Resolution of the 11th of December last, of removing from the file, without a hearing, petitions of Special Appeal and other Miscellaneous Petitions, are pleased to resolve, in supersession of this Resolution, that if any party, by whom a petition of the above nature may have been filed, shall fail to appear, either in person or by vukeel, after being summoned in Court on three successive days appropriated to the particular business to which the petition relates, his petition shall be dismissed on default.

This Resolution to be considered applicable to regular and certified Special Appeals, also.

Ordered,

That this Resolution be translated and entered in the English and Vernacular Books, and a copy be affixed in this Court house for general information.

No. 1350.—*To the Civil Authorities in the North Western Provinces.*
Agra, the 23rd July 1855.

The Court are pleased to direct, that when under the permission granted by their Circular Order No. 99, of the 28th of August 1840, two or more stamp papers are employed to make up the value of the stamp required for a petition, as much as possible of the blank part of those stamps on which there is no writing, is to be cut off by a longitudinal zig-zag incision on either side, merely leaving a remnant down the middle of the paper, sufficient to connect the upper coloured stamp with the lower Treasury counter-stamp, which it is necessary to preserve for certain purposes in case of the parties being entitled to a refund of the stamp duty.

No. 1390.—*To the Civil Authorities in the North Western Provinces.*
Agra, the 6th August 1855.

The Court publish, for general adoption, the accompanying forms of summons, &c. adapted to the provisions of Act XIX. of 1853, the cost of printing which has, with the sanction of His Honor the Lieutenant-Governor, been made chargeable to Government.

2nd.—The Judges are requested to indent on the Secundra Orphan Press, through the Court, for a sufficient supply of the new forms, for the use of all their subordinate Judges.

3rd.—All Indents for forms required by Uncovenanted Judicial Officers must bear the check and counter-signature of the Judge, to whom they are subordinate; otherwise the indenting officers will be liable to be charged for the cost of them.

4th.—The registered Oordoo forms, noted in the margin*, are hereby superseded.

* Nos. 120 and 121.

N. B.—The forms are not printed, but are supplied by Sudder Dewany Adawlut.

No. 1394.—*To the Civil Authorities in the North Western Provinces.*

Agra, the 3rd August 1855.

THE Court publish, for general information, a Resolution recorded on the 23rd ultimo regarding the disposal of summary and miscellaneous appeals by the Sudder Dewany Adawlut, the principal of which, they desire, may be considered applicable to the practice of the Lower Appellate Courts.

Resolution of the Court of Sudder Dewany Adawlut, North Western Provinces.

Agra, the 23rd July 1855.

The Court having taken into consideration the practice which at present obtains, in regard to the disposal of summary and miscellaneous appeals, are pleased to resolve, that no order or decree of the Lower Court shall be definitively altered or reversed, without summoning the opposite party. This rule is not, however, to be understood as prohibitory of the remand of a case on the statement of an appellant alone, if the Judge hearing the appeal thinks proper to do so.

Ordered, that this Resolution be translated and entered in the English and Vernacular books, and a copy affixed in this Court-house, for general information.

No. 1432.—*To the Civil and Sessions Judges in the North Western Provinces.*

Agra, the 14th August 1855.

THE Court publish, for general information, copy of a Circular letter from the Secretary to Government, North Western Provinces, No. 1080 A., of the 20th of June last, with its accompaniment, on the subject of Pensions to Uncovenanted Servants.

CIRCULAR No. 1080 A.—*From Secretary to Government, North Western Provinces, to Register Sudder Dewany Adawlut, North Western Provinces.—Head-Quarters, Nainee Tal,—Financial Department, the 20th June* 1855.

I am directed to transmit, for your information and guidance, the accompanying Extract, paragraph 2, of a Resolution recorded by the Honorable the President in Council, ruling that, in future, applications for Pensions on behalf of Uncovenanted Servants shall state whether the service of the applicant has been continuous, and if not, for what intervals, and under what circumstances, he was unemployed.

Extract, paragraph 2, of a Resolution recorded by the Hon'ble the President in Council, in the Financial Department, under date the 25th April 1855, *No.* 1701.

Paragraph 2.—The Military Auditor General having reported that he has not the means of verifying the continuous service, in an eligible grade, of Assistants in the various public offices in the Military Department, including the Departments of Stud, Public Works, and Commissariat, the Hon'ble the President in Council is pleased to rule, that henceforth all Officers, Civil as well as Military, shall, in submitting applications for pensions on behalf of Uncovenanted Servants, state, after inspection of their Establishment rolls, whether the service of each of the applicants was continuous or not, and if not, for how long he was unemployed, and under what circumstances. His Honor in Council further desires that the form of the Pension Roll be amended (as per annexed form) so as to give the requisite information, in additional columns, in every instance.

No. 1579.—*To the Civil and Sessions Judges, North Western Provinces.*

Agra, the 7th September 1855.

THE Court publish, for general adoption, the accompanying revised Form of Pension Register for Uncovenanted Servants, received from Government in the Financial Department, which must be considered as superseding that appended to their Circular Order, No. 1432, dated the 14th, and published in the *Agra Government Gazette* of the 21st of August last.

PENSION REGISTER.

Detail of Applicant's service.

PERIOD.									APPOINTMENT.	SALARY.		
From			*To*			TOTAL.						
Date.	Month.	Year.	Date.	Month.	Year.	Years.	Months.	Days.		Rs.	A.	P.
					Grand Total, ...							

REMARKS.

By Head of Office.	By Civil Surgeon.	By Medical Committee.

Register of an application for a Superannuation Pension from the establishment of the *preferred under the Rules prescribed by the Government, under date the 4th January* 1831.

1.	2.	3.	4.		5.			6.	7.			8.	9.						10.	11.	12.	13.			14.			15.	16.			17.	18.
Name of the person by whom the pension is applied for, with the name of his father.	No. on the establishment.	Identification of applicant's person.	Size.		Age of the Applicant at the time of application.			Religion, Caste or Tribe.	Where residing.			Present employment.	Summary of Service.						Applicant's service continuous or not.	How long unemployed, and under what circumstances.	Date of application to Government.	Average salary, or authorized official allowance per month for the last five years preceding the date of application.			Salary, or authorized official allowance per mensem at the time of application.			Abstract of the grounds of application.	Proposed amount of pension per mensem.			Treasury at which the party, if pensioned, wishes to draw his stipend.	Orders of Government.
			Feet.	Inches.	Years.	Months.	Days.		Zillah.	Pergunnah.	Village.		Office.	Period of service.			Salary of office.																
														Years.	Months.	Days.	Rupees.	Annas.	Pies.				Rs.	A.	P.	Rs.	A.	P.		Rs.	A.	P.		
																																	A Pension of Rupees per mensem is granted to the Applicant. By order of the Hon'ble the Lieut.-Governor, *Secy. to Govt., N. W. P.* *Department,* 185

The

No. 1583.—*To the Civil Authorities, North Western Provinces.*
Agra, the 15*th September* 1855.

THE Court, having had under consideration the question of the liability of costs in Civil suits and other Civil proceedings to bear interest, observe that it has been expressly laid down in Construction 715, "that when the costs of suit are included in the decree, they become part of the matter awarded by the Court passing the decree, and, as such, are liable, with other property so adjudged, to interest from the date of the Court's decision." As, however, the difference of wording between this Construction and Circular Order No. 220, dated the 23rd of August 1842, may seem to render it doubtful whether it is necessary that a special order for interest should be recorded, the Court deem it proper to direct that all costs are to be considered chargeable with interest from the date of the decree or order to the date of payment, (unless specially pronounced exempt from such charge,) whether the decree or order contains a specific provision declaratory of the above liability, or not.

No. 1587.—*To the Civil Authorities, North Western Provinces.*
Agra, the 8*th September* 1855.

IN modification of Circular Order Sudder Dewany Adawlut, No. 7, dated the 9th of April 1817, the Court are pleased to direct that, in the Notification prescribed by Section 8, Regulation XVII. of 1806, the date shall not be inserted till the required tullubana has been deposited. On that being paid by the mortgagee, the date should be filled in, and the Notification issued; in other words, the date of the Notification, and the date of issue, should be one and the same.

No. 1678.—*To the Civil and Sessions Judges in the North Western Provinces.*
Agra, the 1*st October* 1855.

WITH reference to the Government Circular No. 2809, dated 4th November 1854, the Court publish, for general information, a letter received from the Assistant Secretary to Government, North Western Provinces, No. 2774, of the 18th ultimo, forwarding Extract from a Despatch from the Hon'ble the Court of Directors, regarding continuous service as a qualification for pensions to Uncovenanted Servants.

No. 2774.—*From Assistant Secretary to Government, North Western Provinces, to the Officiating Register, Sudder Dewany and Nizamut Adawlut.—Financial Department.—Agra, the* 18*th September* 1855.

In continuation of the Circular issued from this Department, under date the 4th November last, intimating that continuous service would, in future, be required as a qualification for pensions to Uncovenanted Servants, I have the honor, by direction of the Lieutenant-Governor, to forward for your information and guidance, an Extract, paragraphs 5 and 6, from a Despatch from the Hon'ble the Court of Directors, No. 57 of 1855, dated 20th June, from which it will be seen that it is not intended by the Court that this rule should be applied to cases in which a public servant might be temporarily thrown out of employment by the abolition of his office.

Extract from a Despatch from the Hon'ble the Court of Directors, addressed to the Government of India, in the Financial Department, under date the 20*th June* 1855, *No.* 57.

5*th*.—Our orders of the 3rd March 1852, requiring, as a qualification for retiring pension, that the service of Uncovenanted Servants should be continuously passed, were not intended to apply to cases in which a public servant might be temporarily thrown out of employment by the abolition of his office, and might thus be prevented from rendering a continuous service for the period necessary to qualify for pension.

Letter from, dated 27*th December* 1854, *No.* 121.
Forward copy of a letter from the Government of Bengal, and its enclosures, having reference to an application for a Superannuation Pension on behalf of Gopal Chunder Saha, late a writer on the establishment of the Judge of Dacca, and report having sanctioned the grant of a pension of Rs. 12 per month, being one-third of his salary, to Gopal Chunder Saha, subject to the Court's confirmation.

6th.—The case of Gopal Chunder Saha being of this description, and he being otherwise qualified, we consider him entitled, under the rules, to the pension which you have awarded to him, and we confirm it accordingly.

No. 1772.—*To the Zillah Judges in the North Western Provinces.*
Agra, the 22nd October 1855.

WITH reference to their Circular Order No. 192, dated the 29th of November 1852, by which Zillah Judges are authorized to grant leave of absence to the Uncovenanted Judicial Officers during the Dusserah and Mohurrum vacations, the Court are pleased to direct, that, whenever a Zillah Judge is of opinion that the above indulgence should for any special reason be denied to any Judicial Officer subordinate to him, he shall report the matter to the Court for their orders, in sufficient time to admit of their reply being received before the closing of the Courts for the vacation. The Circular of 1852 was intended to vest the Zillah Judges with the power of granting leave, not of refusing it.

No. 1864.—*To the Civil and Criminal Authorities, North Western Provinces.*
Agra, the 5th November 1855.

THE Court notify, for general information, that the Government of India have ruled that Civil and Criminal Processes are to be transmitted by post, as heretofore, *on the public service.* The Circulars noted in the margin*, must, therefore, be considered as cancelled.

* C. O. No. 718, 21st April 1855.
C. O. No. 960, 23rd May idem.

No. 1939.—*To the Civil Authorities in the North Western Provinces.*
Agra, the 30th November 1855.

THE Court see reason to believe that their Circular Order of the 21st July 1854 has been, to some extent, misunderstood and misapplied in practice in districts under their control; many Judicial Officers, on the supposition that the rule, therein laid down, for the issue of a six weeks' notice in cases remanded for re-trial, was of a general nature, having been in the habit of acting upon it in *all* cases indiscriminately. The Court, therefore, deem it necessary to draw the attention of the Civil Authorities to the distinction with exists between cases remanded for fresh investigation, and those returned merely for the issue of a revised order, and to point out the difference of practice consequent upon this distinction. It has also been thought advisable to bring together in one circular previous orders on the subject of remands; the Circular Orders named in the margin*, are, accordingly, to be considered rescinded, the substance of them being contained in the following directions.

* Circular Order No. 102, August 28th 1840.
Circular Order No. 1442, September 9th 1853.
Circular Order No. 1394, July 21st 1854.

2.—When a case is remanded in appeal for re-trial, and for the re-investigation of any point on which the enquiry of the Court of first instance may have been imperfect, or may have been altogether omitted, or with a view to any act being done by the parties, are by either of them, as necessary to the preparation of the case for decision, such Court, on receipt of the record from the Appellate Court, will affix a notification in the Court room in the following form:—

'CASE No. 150 OF 1855.

A. B., -- -- -- Plaintiff.
C. D., -- -- -- Defendant.

Whereas this case has been remanded for re-trial, the parties and their vukeels are hereby warned that if they do not proceed in the case within six weeks from this date, the Court will proceed as in other cases of default.

Dated ——————185 , Corresponding with ——————.'

3.—The vukeels of the parties, if they be in attendance, shall be required, at once, and without any previous reference to their clients, to proceed with the case in the same manner as if no decision had been passed on it; it will, however, be their duty to notify, without loss of time, the fact of the return of the case to their clients, and to be guided by the instructions which they may receive from them in the conduct of the suit, subject always to the penalty of default, if they fail to take the necessary steps within the period specified in paragraph 2.

4.—Under the provisions of Section 34, Regulation XXVII. of 1814, the vukeels entertained in a regular suit, are required, without additional fee, to make all motions, and do all acts which may be necessary, until the suit has been finally disposed of, for which purpose it has been declared by the Construction No 852, that a vukalutnamah, executed on the original institution of a suit, unless cancelled by the parties, or otherwise set aside, must be considered operative, and in full force, until the final judgment shall have been enforced; and, as the remand of a case for re-trial, which necessarily carries with it the reversal of the decision of the Court to which it is returned, manifestly restores the suit to the *status quo ante*, the vukeels previously entertained cannot be allowed to withdraw, or to object to proceed with the case simply by reason of the order of remand.

5.—To instances of remand for the sole purpose of the revision of the decision, in which all the proofs have been filed, and the investigation is complete, the rule for the issue of a six weeks' notice does not apply. In such cases there is no necessity for the parties or their pleaders to enter a formal appearance afresh, nor does the failure to do so constitute default on their part; they have nothing to do but to await the decision of the suit in its regular order on the file.

6.—In conclusion, the Court direct that, in adjudicating remanded suits, the Civil Courts, whether they adhere to their original opinion, or otherwise, invariably record at length the reasons on which their decision is founded, in the same manner as if they were passing a first order in the case.

No. 2050.—*To the Civil and Criminal Authorities in the North Western Provinces. Agra, the 17th December* 1855.

THE Court publish, for general information, copy of a letter from the Assistant Secretary to Government, North Western Provinces, No. 3428, of the 3rd instant, enclosing an Extract from a Despatch from the Hon'ble the Court of Directors, relative to the Retiring Pensions of Uncovenanted Servants.

(COPIES).—No. 3428.—*From Assistant Secretary to Government, North Western Provinces, to the Officiating Register Sudder Dewany and Nizamut Adawlut, North Western Provinces.—Financial Department.—Dated Agra, the 3rd December* 1855.

In continuation of Circular, issued from this Department under date the 18th September last, No. 2774, I am directed by the Hon'ble the Lieutenant-Governor to annex, for your information and guidance, copy of an Extract, paragraphs 2 and 3, from a Despatch from the Hon'ble the Court of Directors, allowing twelve months to elapse between two periods of the service of an Uncovenanted Servant, without such servant forfeiting his claim to count the first period, as well as the second, towards a Retiring Pension.

Extract from a Despatch from the Hon'ble the Court of Directors, addressed to the Government of India, in the Financial Department, No. 75 *of* 1855.—*Dated the* 15*th August.*

Letter from, dated 8th March 1855.
No. 28.

Submit copies of papers on the question of what is to be regarded as continuous service on the part of the Uncovenanted Servants of Government, and what constitutes such interruption of continuity of service as will invalidate a claim on the part of an Uncovenanted Officer to a Service Pension.

Paragraph 2nd.—As the strict application of the term "continuous service" might operate injuriously in the case of a deserving Uncovenanted Servant, when the time arrived for his retirement, you have very properly referred this question for our decision.

3rd.—If an Uncovenanted Servant be dismissed for misconduct, and be subsequently re-admitted to employment, his first service is not to count for pension. But with this exception, we shall allow twelve months to elapse between two periods of service, without the servant forfeiting his claim to count the first period, as well as the second, towards the Retiring Pension. The privilege, however, of so reckoning the time of service, can only apply to two periods. If there is any other interval, the service that may follow, cannot be counted as continuous.

No. 2084.—*To the Zillah Judges in the North Western Provinces.*
Agra, the 27th December 1855.

THE Court have had before them the returns to their Circular No. 1615, of the 19th September last, calling for a statement of the number and pay of the Ministerial Officers on the establishments of the Registers of Deeds in the North Western Provinces; an inspection of these returns shews a great diversity both in the strength, and also in the remuneration of these establishments. In many, if not in most, of the districts, the pay of the mohurrirs, in the Registry Offices, is very small, when compared with the amount of fees received by the Register. Such inadequacy of pay, there can be no doubt, is calculated to lead to illegal exactions on the part of the Ministerial Officers, and to vexatious delays, in the registry of deeds; and as the legal fees, received by the Registers, form in most instances a large addition to the salaries of their substantive judicial appointments, the Court think it but fair that the remuneration given to their mohurrirs should also be on a scale, liberal enough to ensure respectability, efficiency, and honesty, and thus act as a check, in some measure, upon the abuses which spring from restricted establishments, and inadequate salaries.

2.—After due consideration of the subject, the Court are pleased to direct that in districts where the number of deeds registered annually is large, and the amount of fees, in consequence, considerable, the pay of the mohurrirs should in no case be less than ten rupees per mensem. Fifteen rupees may be considered the maximum, though in this respect a discretion may be allowed to the Register of Deeds, to assign a larger allowance to any of his Officers. As regards the number of mohurrirs, the Court are led to believe that two are amply sufficient for the requirements of most Registry Offices; but if the work is such, as to demand the entertainment of a greater number, the Registers of Deeds will be at liberty to appoint, or retain them on their establishments, as the case may be, provided always that the pay of each does not fall below the minimum above prescribed, viz. 10 rupees.

3.—The Registry Offices, where the amount of fees received annually is so small as not to suffice for the entertainment of separate mohurrirs, on the above-mentioned salaries, the work should be made over to a mohurrir on the fixed establishment, who will receive as remuneration not less than ten per cent. on the fees realized from the registration of deeds.

4.—The Zillah Judges will consider it their duty to see that the above rules are immediately brought into operation by the Registers of Deeds in their respective districts, and duly observed for the future, and they will notice the subject in their next Annual Reports.

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NIZAMUT ADAWLUT,

NORTH WESTERN PROVINCES.

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FORMS—Court prescribe the adoption of certain English and Vernacular Tabular Forms under the provisions of Act XXXIII. of 1854, -- -- -- -- --	16th June 1855.	14
TRIAL BY JURY—Court publish certain correspondence regarding the successful introduction of the system of trial by Jury in the Behar district, -- -- --	3rd August 1855.	18
TRIALS—In modification of paragraph 6 of Circular Order dated 16th June last, the Court direct that, in future, all European Officers will file with the record a *vernacular* statement of convictions, or acquittals, as the case may be, the English copy being dispensed with, -- -- -- -- -- -- -- -- -- --	18th August 1855.	19
SESSIONS COURT—The Court prescribe form of a vernacular proceeding, or roobukarec, to be drawn up in every trial before the -- -- -- -- -- --	22nd August 1855.	*ib.*
STATIONERY ALLOWANCE—Court publish a Resolution of Government, Judicial Department, regarding the contingent allowance for Stationery, &c., to be drawn by Tehseeldars and Moonsiffs exercising the powers of a Deputy Magistrate, -- -- -- -- -- --	25th August 1855.	21
PROCESSES—Court publish for adoption forms of --	3rd September 1855.	22
STATEMENT—Court direct the discontinuance of Statement No. 9 A., -- -- -- -- -- -- -- --	26th September 1855.	23
PERIODICAL STATEMENTS—Court publish copy of a Circular issued by the Presidency Court, noticing the irregularity of not accounting in the periodical statements for all persons apprehended by the Police in their enquiries in criminal cases, and direct the attention of the Magistrates to the subject, -- --	22nd September 1855.	*ib.*
CONSTRUCTION—Court notify rescission of Construction No. 1167, -- -- -- -- -- -- -- -- --	9th October 1855.	*ib.*
CHEMICAL APPARATUS—Court publish copy of a letter from the Government, with enclosure from the Medical Board, intimating the despatch to the Civil Surgeons of certain districts of boxes containing tests and apparatus for medico-legal investigations,	17th November 1855.	24
CIRCUIT HOUSES—Court notify that the care of the Circuit Houses, when not in use, remains with the Magistrates, -- -- -- -- -- -- -- -- --	20th November 1855.	*ib.*

CIRCULAR ORDERS

OF THE

NIZAMUT ADAWLUT,

NORTH WESTERN PROVINCES,

FOR 1855.

No. 87.—*To the Criminal Authorities in the North Western Provinces.—Agra, the 20th January* 1855.

THE Court call the attention of all Officers subject to their jurisdiction, acting judicially, to a careful observance of the rule prescribed by Act No. XXXIII. 1854, requiring that "every decision, sentence, or final order which shall hereafter be made or passed by any Officer of the East India Company, acting judicially, together with the reasons for making or passing the same, shall be written in the vernacular language of such Officer, and shall be dated and signed by such Officer in Court at the time of his making or passing the same," &c. &c.

2nd.—It will be the duty of Sessions Judges to see that this rule is duly carried out by the Magisterial authorities (of the various Covenanted grades,) who, on their part, will exact an observance of it from the Native, or other Deputy Magistrates under their control, will take care that those Officers are correctly informed of the purport of the Act, and will take proper notice of every occasion of its injunction being neglected or unacted on.

No. 103.—*To the Criminal Authorities in the North Western Provinces.—Agra, the 2nd January* 1855.

THE mode of operation of Act XVI. 1850, has come under recent notice in connection with the administration of Criminal Justice; and it has been observed that the provisions of that enactment are, in many districts subject to the Court's control, altogether unenforced; that, in others, if not inoperative, the Law is only very partially and capriciously acted on, and that, generally, no obligation appears to be recognized, of carrying out the object and intention of an enactment, which, though in its terms permissive and not injunctive, is based on acknowledged principles, and, having been framed by the Legislature for practical enforcement, ought not to be ignored by those charged with the administration of the Criminal Laws.

2nd.—From returns prepared in the Court's Office, calculated to shew the extent to which the Act referred to has been enforced from the time it came into effect in these Provinces, in the Sessions and Magisterial Courts, a great inequality of operation is manifest, the Magistrates of some districts having made no use of its provisions; while in others, as within the Dehlie, Rohilcund, and Saugor, and, to a less degree, within the Benares Divisions, effect has been generally, though to no large amount in money value, given to it by the Magistrates' Courts. The Sessions Courts have, in some instances, imposed large fines, but with almost no result; and some defect of machinery for carrying into execution the order of the Court in this particular must be inferred, from the nearly entire failure to realize any portion of the fine so imposed.

3rd.—With a view to urging on the local tribunals a consistent, and regular, and, at the same time, guarded enforcement of the provisions of this Law, the Court think it needful to notice, what appear to be, the principles on which the enactment is founded, and whether they are rightly apprehended by the mass of those who are called upon to administer it.

4th.—The Act is for "restitution of the value of stolen property," and applies to all kinds of misappropriation of property, empowering all Criminal Courts to add to the punishment they are competent to inflict for the offences named, "the punishment of fine not exceeding the loss appearing to be caused to the several persons who have suffered by such wrong;" payable and distributable, in whole, or in part, to, or for the benefit of, such sufferers.

5th.—The presumed basis of this Law is the opinion of the writers of the Indian Penal Code (pages 9 and 10 of Note A.) "that every person who is injured by an offence, ought to be legally entitled to a compensation for the injury;" also, "we are inclined to think that an arrangement might be adopted, under which one trial would do the work of two. We conceive that in every case in which fine is part of the punishment of an offence, it ought to be competent to the tribunal which has tried the offender, acting under proper checks, to award the whole, or a part, of the fine to the sufferer, provided that the latter signifies his willingness to receive, what is so awarded, in full satisfaction of his Civil claim for reparation."

6th.—As has been remarked by the Government, the principle of not allowing a depredator or his family to enjoy the profits of his wrong-doing, and of making, as far as can be done, a prompt restitution or compensation to the sufferer, is obviously, in so far as it can be accurately applied, most essential to the satisfactory and efficient administration of Criminal Justice.

7th.—The Law, in its practical working, may be contemplated in a two-fold light, in its bearing on the *Criminal*, and its possibly over-severe operation, in some instances, on *him* as well as on others, and in its effect on the interests of parties suffering wrong by his acts, how far the object of the Act is fulfilled in securing indemnification of their loss.

8th.—In regard to the *first* matter, its effect on the Criminal, when provision is made for a fine "not exceeding the amount of loss appearing to have been sustained," apprehensions might, not unnaturally, be excited by the facts of the little reliance which can ordinarily be placed in the reports made, of the amount value of property stolen, and of the temptation presented by such a provision for sufferers to exaggerate their loss, or even accuse men of substance falsely, involving the risk of great harm and injustice, in the hands of inconsiderate, or inexperienced Officers, in regard to the discreet application of the Law.

9th.—It might, further, be feared, that the knowledge of such a Law, and of the discretionary power conferred by it, would, itself, tend to increase the laxness of estimate, or dishonest inclination noticed above, or to create it where it did not exist. It would perhaps be apprehended that even respectable persons might not regard themselves as bound to strict veracity or exactitude in their narrative of loss, where the party affected by it is one who has injured them, and is, indeed, the enemy of the community; and it would be suspected that, even if no *intentional desire* to exaggerate a loss should exist, such a result would be no improbable one in the case of rich individuals, who may not actually know *what* their personal property, or amount of cash, was, or, consequently, *what* may have been abstracted.

10th.—Caution and discretion in exercising the powers conferred by the Act are, doubtless, suggested by these considerations, in order to the prevention of abuses; and it was pointed out in a recent Circular of the Calcutta Court* that, in applying a highly penal law like this, much care and discrimination are needed to reduce, within fairly credible limits,

* No. 10, dated 12th September 1854.

the amount of estimated loss, in compensation of which a fine is imposed; and that, consequently, where the alleged value of stolen property may be the *sole reason* for the commitment of a prisoner, such proof shall be placed on record by the Criminal Courts, as may shew a reasonable probability that the loss sustained by the prosecutor really amounts to the sum specified, and charged in the indictment.

11*th*.—It may, at the same time, be doubted whether, in practice, evil results of the above kind, in the abuse by prosecutors of the provisions of the Law, have been, to any extent, common or prevalent; nor can the mere *anticipation* of such consequences be any sufficient reason for Judicial Officers neglecting to carry out, on fit occasions, the intention of the enactment.

12*th*.—It would, on the other hand, be open to remark, that the interests of the sufferer from misappropriation must be very imperfectly secured by a provision which may be altogether inoperative from the poverty, or be evaded and defeated by the cunning, of the criminal and his friends, and the reimbursement contemplated by which must, in all or most thefts of large amount, be partial and inadequate by reason of the restricted application of the distress and sale to the "goods*," that is, to the *movable*, or personal property, which only, it has been held, is liable to the process of distraint, whereby *houses* (among other property) are exempted.

* Section 2 of the Act.

13*th*.—Further, if any tangible property, liable to distraint under this Law, should be forthcoming, the difficulty arises of its being contrived to be secreted, or made away with, in the interval between the apprehension of the Criminal, and the final process of distraint following upon fine after conviction; and of a consequent evasion of the Act. The attachment of any personal property of parties accused of theft, *upon apprehension*, with a view to securing the eventual indemnification of the party losing by such act, is not a procedure warranted by this enactment.

14*th*.—It has also been doubted whether the presiding authority in a Criminal Court, proceeding under the Act, is competent to pass an order of fine, within its meaning, *after* decision of the case; or whether it is absolutely necessary that such order should be passed at the time of decision. The latter obligation may be thought to be implied, but is not expressly *declared*, by the terms of the Act; though instances are frequent of prosecutors, after a Criminal sentence has been passed, coming forward with a claim for reimbursement, and with indication of concealed or alienated property which they have discovered, belonging to the sentenced culprit.

15*th*.—With regard to the practice of the local Authorities, in their appreciation of the purpose of the Law, the Court observe that much uncertainty and diversity appear to exist. Some Officers, adverting to the permissive terms of its provision, have not felt themselves under obligation to apply them in practice. Others, instead of imposing the fine allowed, and leaving the result to work itself out, have been wont *first* to institute an enquiry as to the existence of property, and the means of realizing any fine which might be imposable, arguing that where the absence of material of payment is certain or presumable, it is useless to go through the form of an award.

16*th*.—Others have spoken of the working of the Act, and their sense of the obligation they are under to enforce it, chiefly in respect to its supposed effect, or otherwise, on the repression of crime.

17*th*.—In these several instances misapprehension, to a greater or less extent, appears to the Court to exist. Officers are bound to avail themselves of all reasonable occasions of enforcing the Laws which may be enacted for their guidance, irrespectively of a future contingency, for which they are not responsible. While, moreover, one of the results of such a penal Law, when equally and duly executed, might be to repress crimes against property, yet its primary intent and object appear to be the more perfect vindication of justice by not only punishing the wrong-doer, but also awarding compensation for the wrong.

18*th*.—The Court consider that the foregoing remarks are sufficient at present to direct the attention of the zillah authorities, generally, to the importance of carrying out the permissive provisions of the Law in a way calculated to avoid, on the one hand, the risk of exaggerated estimates of loss, or false and perjured implications of innocent people, and to secure, on the other, the prompt reimbursement, as far as may be practicable, of parties who have suffered loss of property by the lawless acts of offenders. To this end, it is not enough that a fine be merely *imposed;* it must be *realized.* The Act must have a fair trial given it, and the Local Officers will then possess means, which are wanting at present, of testing its practical utility; and suggesting improvements or indicating defects.

No. 122.—*To the Criminal Authorities in the North Western Provinces.—Agra, the 24th January* 1855.

WITH a view to relieve the local authorities of much unnecessary labor, and at the same time to reduce the bulk of the judicial correspondence, conveyed by the Post Office, the Court, under the power vested in them by Section 3, Regulation VII. 1829, have determined to adopt the following changes in the periodical statements.

2.—*Sessions Statements.*—The statements of the Sessions Judges will continue to be forwarded to the Court every month almost the same as heretofore, but by a little compression, Nos. 1 to 5 are now exhibited in one sheet, instead of on two sheets. It is obviously unnecessary to waste the space and paper now occupied by the entry of all the headings in No. 1, Part 1. In future, the Judges will only enter *in writing* the numbers and headings of the offences actually before them. In the same manner No. 2, Parts 1 and 2, are now ordinarily blank, but they fill a large space of paper. It will be sufficient, if any case or cases occur, to enter them in headings 42 and 43 of Part 1, No. 1, giving in the margin thereof a note, shewing the definition of the offence.

3.—Statement No. 3, Parts 1 and 2, may be submitted annually, instead of monthly.

4.—The attention of the Judges, and of their Clerks, is directed to the necessity of reducing the bulk of Statements 6, 7, 8, 9 and 10, and to their preparation in clear and neat hand-writing. All blank papers, which can be removed without detriment to the statements, should be cut off before the package is made up for the dâk.

5.—No change is at present made in the Annual Statements.

6.—*Magistrate's Statements.*—The whole of the English Monthly Statements, Nos. 1 to 6 and 9, now submitted by the Magistrates, will, in future, be made up quarterly, *i. e.*, to the last day of March, June, September and December, respectively.

7.—The Magistrates will submit to the Sessions Judges, on or before the 10th of each month, the *Vernacular* Statement No. 9, Parts 1 and 2, prescribed in Circular Order No. 176, dated 31st July 1835; regarding the use and advantage of this statement, the Court quote the words, *mutatis mutandis*, from paragraphs 5 to 7 of that Circular.

"This is a very important statement, and if carefully prepared and examined each month by the Magistrate and the Sessions Judge, must enable these officers readily to ascertain the general state of criminal justice in the districts. If the heading of remarks be properly prepared, specifying the dates on which the case has been brought up for trial, and the reasons which have caused delay in bringing the case to a final decision, the Magistrate, by calling for the proceedings, if necessary, and issuing such orders as each case may require, will be able to check the delays of his Umlah, Sudder and Mofussil, whether arising from carelessness, neglect, or other cause, and he will be able to insert, for the information of the Sessions Judge, under the head of 'Remarks,' the real cause of delay, and the measures he may have adopted, to prevent further delay in passing final orders. The Sessions Judge, with this statement before him, will, by referring to the heads shewing the date of apprehension and the nature of the crime, be able at once to exercise so very efficient a control over the Magistrate's proceedings,

that it will be scarcely possible that a prisoner should be needlessly detained in custody under examination, at present a very serious grievance to innocent persons. As this statement shows very distinctly the sentence passed in each case, the Sessions Judge can, without difficulty, detect any illegal or improper order; and he ought, in all such cases, immediately to call for the Magistrate's proceedings, and adopt such measures as he may think necessary."

8.—The Magistrate will require the punctual submission of the vernacular statement No. 9, in duplicate, by all the officers subordinate to him, who decide criminal cases. It will be his duty to revise these statements himself, before he submits them, together with his own, to the Sessions Judge, and by this means it is hoped that the Magistrates will exercise a more careful control over the officers in charge of subdivisions than is at present customary. Should a Magistrate call for any case from his subordinates, or point out any error in their statement, the order will be entered on the duplicate statement, and submitted to the Judge for his information.

9.—The Magistrate will, at the close of each month, submit to the Sessions Judge a single English Statement in the form herewith sent, similar to Part 5, Statement No. 1, with columns for explanations as at present required, when the number of persons in jail, or bail, or recognizance, may be excessive, or where a case may be under trial beyond three months. An additional column has been added for cases under Act IV. 1840. Whenever the Judge does not consider an explanation sufficient, he will submit this statement, with his own remarks, to the Court, for their orders.

10.—These rules will take effect from the 1st January 1855. The forms of Monthly Statement at present in store in each office, will serve as Quarterly Statements, with the necessary corrections.

11.—The Court cannot too forcibly enjoin the strict observance of the instructions herein conveyed, and they rely on the active exertions of the Sessions Judges in carrying them out.

State of the Files of the Magistrate of
and of his subordinates, at the close of

Section 1st.	1. Column 17. Cases.	2. Column 18. In Jail.	3. On Bail.	4. Column 19. On Recognizance.	5. Total.	6. Suits under Act IV. 1840, awaiting trial	Remarks.
Before the Magistrate, ...							
" the Joint Magistrate, ...							
" Assistant, ...							
" Deputy Magistrate, ...							
" Principal Sudder Ameen, ..							
" Sudder Ameen, ...							
" Moonsiff of ..							
" Moonsiff of ..							
" Law Officer, ...							
Total, ...							
Section 2nd.							
Under trial since							
185 , ...							
185 , ...							
185 , ...							
185 , ...							
Total, ...							

Magistrate's Office,
Zillah
The

Magistrate.

No. I.

PART 1.—*Statement, shewing the number of persons brought to trial, convicted, acquitted, and referred to the Nizamut Adawlut, by the Sessions Judge of Zillah and those whose cases were pending at the close of* 185 .

Officers employed as Sessions Judge.

Mr. from to

Mr. from to

Description of crimes.	2. Under trial at the close of: Cases.	3. Under trial at the close of: Prisoners in Jail.	4. Under trial at the close of: Persons on Bail.	5. Persons committed during the month.	6. Received back after reference to the Nizamut Adawlut: Cases.	7. Received back after reference to the Nizamut Adawlut: Persons.	8. Received by transfer: Cases.	9. Received by transfer: Persons.	10. Total of persons under trial.	11. Commitment cancelled: Cases.	12. Commitment cancelled: Persons.	13. Convicted & punished: Cases.	14. Convicted & punished: Persons.	15. Referred to the Nizamut Adawlut: Cases.	16. Referred to the Nizamut Adawlut: Persons.	17. Acquitted & discharged: Cases.	18. Acquitted & discharged: Persons.	19. Died.	20. Escaped.	21. Transferred.	22. Under trial at the close of: Cases.	23. Under trial at the close of: Prisoners in Jail.	24. Under trial at the close of: Persons on Bail.
Total. ...																							

REMARKS.

PART 2.

	Under trial during the month.	Under trial at the close of the month: In Jail.	Under trial at the close of the month: On Bail.
Males, ...			
Females, ...			
Corresponding with columns 10, 23 and 24, Part 1, ...			
Implicated in more than one offence, ...			
The actual number of persons, ...			
Males, ...			
Females, ...			

PART 3.

Convicted and sentenced to imprisonment for 16 years,	
15 "	
14 "	
13 "	
12 "	
11 "	
10 "	
9 "	
8 "	
7 "	
6 "	
5 "	
4 "	
3 "	
2 "	
1 "	
Less than 1 "	
Fined and discharged,	
Total. ...	

No. 4.

Statement, shewing the number of Appeals preferred from the orders of the Magistrates, Joint Magistrates, and Assistants, with Special powers of Zillah to the Session Judge in Criminal trials, and in proceedings other than Criminal trials, during the month of 185 , with the orders passed thereon.

1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.	14.	15.	16.	17.	18.
		Appeals from orders passed in Criminal trials.								Appeals from orders in Judicial proceedings other than Criminal trials.							
Magistracy.	From the orders of the	Pending on the 1st day of the month.	Preferred during the month.	Total.	Appeals rejected.	Order confirmed.	Order modified or reversed.	Pending at the close of the month.	Longest period during which any undecided case has been pending.	Pending on the 1st day of the month.	Preferred during the month.	Total.	Appeals rejected.	Order confirmed.	Order modified or reversed.	Pending at the close of the month.	Longest period during which any undecided case has been pending.
	Magistrate,																
	Joint Magistrate,																
	Assistant,																
	Deputy Magistrate,																
	Principal Sudder Ameen,																
	Sudder Ameen,																
	Law Officer,																
	Total,																
	Magistrate,																
	Joint Magistrate,																
	Assistant,																
	Deputy Magistrate,																
	Principal Sudder Ameen,																
	Sudder Ameen,																
	Law Officer,																
	Total,																
Act IV. 1840, Appeals.	Magistrate,																
	Joint Magistrate,																
	Assistant,																
	Deputy Magistrate,																
	Principal Sudder Ameen,																
	Sudder Ameen,																
	Law Officer,																
	Total,																

No. 5.

Abstract of Sessions operation for the month of 185

		Number of Cases.	Nominal number of Persons.	True number of Persons.
1.	Pending on the 1st of the month, ...			
2.	Committed during the month, ...			
3.	Received back from Nizamut Adawlut, ...			
4.	Received by transfer, ...			
5.	Total, ...			
6.	Commitments cancelled, ...			
7.	Punished without reference, ...			
8.	Referred to the Nizamut Adawlut, ...			
9.	Acquitted, ...			
10.	Died, ...			
11.	Escaped, ...			
12.	Transferred, ...			
13.	Total, ...			
14.	Pending at the close of the month, ...			

Session Judge's Office,
Zillah
The 185 .

Session Judge.

No. 240.—*To the Criminal Authorities in the North Western Provinces.—Agra, the 20th February* 1855.

It is notified, in explanation, that by the Vernacular Statement No. 9, referred to in paragraphs 7 and 8 of the Court's Circular Order No. 122, dated 24th January last, and published in the *Agra Government Gazette* of the 6th instant, is to be understood Statement No. 8, Parts 1 and 2 of the Western Court's series, No. 9, appertaining to the Calcutta Court's List.

Statement No. 9 A., applicable to those Sessions Judges, who have more than one district under them, will be forwarded quarterly, instead of monthly, as heretofore.

No. 277.—*To the Sessions Judges in the North Western Provinces.—Agra, the 5th March* 1855.

With reference to the present arrangement of the Nizamut Adawlut, for the hearing of Criminal cases, the Court authorise the discontinuance of the submission of the extract copy of the Sessions Statement No. 6, required by the Circular Orders* noted in the margin, in appealed cases, *whenever the original Statements have been previously submitted to them.* A copy of the sentence, as entered in Column 12 of Statement No. 6, will, however, be invariably inserted in the margin of letters transmitting petitions of appeal.

Circular Order No. 110, June 29th 1832.
Circular Order No. 149, August 8th 1834.

No. 470.—*To the Sessions Judges,* North Western Provinces.*
Agra, the 23rd April 1855.

WITH reference to their Circular Order No. 122, dated the 24th of January and published in the *Agra Government Gazette* of the 6th of February last, the Court are pleased to dispense with *separate* Sessions Statements Nos. 1—5 for each district in your Jurisdiction, and to direct that only one set of Statements No. 1—5 embracing the Sessions work of all the districts under your charge be submitted *monthly*.

*Delhie. Seharunpore. Meerut. Moradabad. Bareilly. Agra. Mynpoorie. Bundelkund. Saugor. Kumaon. Jhansie.

2nd.—The *annual* Sessions Statements No. 1—5 will, however, continue to be sent *separate* for each District as heretofore.

No. 627.—*To the Criminal Authorities in the North Western Provinces.*
Agra, the 4th May 1855.

THE Court have had under consideration the system of classification adopted in the Schedule of Miscellaneous Offences, prescribed by their Circular Order No. 36, dated 11th April 1850, and, with reference thereto, have had before them the returns to their Circulars, dated 12th May and 4th June 1852, which were issued to the Commissioners of Police and Session Judges, with the view of investigating, and, as far as possible, ascertaining, in correspondence with the Magisterial Authorities, the causes of variation and disproportion in the relation of petty to heinous crimes which the district returns exhibited, as well as the probable mode of accounting for, and explaining the prevalence of particular descriptions of offences in some districts, more than in others. The subject had also attracted the notice of Government, by whom the Commissioners of Police were called upon for a report.

2nd.—The enquiry thus instituted appeared to show that the statements prepared by the Magistrates were, in general, open to no just exception or suspicion in respect to the fidelity of these records, and that such discrepancies, as were developed, arose chiefly from variety of practice in the entry and classification of crimes, but might in some degree be also ascribable to local causes, and the individual characters and peculiar views of the Magistrates themselves.

3rd.—Such diversity of practice however is not, in the Court's opinion, a sufficient reason for altering or abandoning the classification adopted in the Schedule, as a failure, on the contrary they are inclined to believe that, though entire uniformity of practice is unattainable, greater correctness may be ensured by the Magistrate's exercising a more vigilant supervisory check and inspection of their periodical returns, instead of leaving the compilation of the same to their native officials.

4th.—With a view to promote this object, the Court publish, for general information, the accompanying Schedule of Miscellaneous Offences, which they desire may be substituted for that prescribed by Circular Order, Nizamut Adawlut, dated 11th April 1850, and they request attention to the following brief remarks on certain heads therein, regarding which diversity of practice has been found to prevail, or which, from being entirely new, deserve some preliminary notice.

A. 5. Affray, simple.

5th.—This ought not to be confounded with "Assault." Under this head may be classed petty affrays with slight wounding, for which the punishment within a Magistrate's competency to award under Section 19, Regulation IX. of 1807, or Regulation VIII. of 1828, is sufficient. All cases of affray with severe wounding, committed to the Sessions Court, should find a place under heading 32 of Statement No. 1, which is altered to "Affray and Riot, with severe wounding, or violent breach of the peace."

A. 7. Assault, petty.

6*th.*—This heading should include only cases designated as "*marpeet,*" which the Magisterial Officer disposes of under Section 4, Regulation XVI. 1795, Section 8, Regulation VI. 1803, and Section 19, Regulation IX. of 1807. All cases of assault with bone fracture, wounding, or other injuries, requiring a heavier punishment than that provided in the above laws, ought to be exhibited under heading 33, Statement No. 1.

B. 3. Breach of the peace.
4. Apprehended ditto.

7*th.*—The first of these represents an accomplished act, the second an expected or probable contingency. For the former, a specific punishment is imposed; but for the latter, recognizances or security only are taken under Act V. of 1848, as a preventive measure. They ought not to be confounded together.

C. 7. Concealment of birth by mother.

8*th.*—This is punishable as a misdemeanor, according to a ruling and precedents of the Court, and, being of no infrequent occurrence in this country, has been accordingly provided for in the Schedule.

C. 9. Contempt of Court.

9*th.*—Not to include cases of evasion or resistance of process, but only contempt committed in open Court, punishable under Act XXX. of 1841.

C. 10. Contract, breach of, in workmen or servants, and in masters.

10*th.*—The words "and in masters" are added to comprehend cases of servants suing for wages under Clauses 2 and 3, Section 6, Regulation VII. of 1819.

D. 2. Destruction or wanton injury of property.

11*th.*—This heading has been often confounded with "Trespass." Cases of cattle-trespass are entered sometimes under the one, sometimes under the other designation. As representing any specific criminal act or class of acts, this heading has been excepted to as wanting in distinctness and precision, and as susceptible of very various construction and application. In the old Schedule, it did not clearly denote whether the wanton destruction or injury referred to, that done *to*, or *by*, cattle, and, very recently it was held by a District Officer to apply to the offence of cattle-poisoning for the sake of hides. To obviate this difficulty, the words "or cattle" have been omitted.

Disobedience of orders in Government servants [old Schedule.]

12*th.*—For reasons to be presently stated, this heading is omitted.

D. 5. Duress, illegal.

13*th.*—Doubts have been expressed regarding the scope and extent of application of this heading, whether it be restricted to the illegal detention by force of parties by officers of Police, or extends to other cases of unlawful coercion and duress. The more extended, and general interpretation and application, are reasonable, and therefore, although such mal-practices on the part of the Police and other Government servants will now be provided for under one subsequent heading, this designation of offence will still be applicable to other acts of illegal duress, committed by zumeendars and other private individuals.

E. 3. Escape from custody or jail, of persons charged with, or convicted of, criminal offences.

14*th.*—Headings E. Nos. 3 and 4 of the old Schedule have been combined into the heading as per margin, which has been slightly enlarged with reference to the terms of Clause 1, Section 5, Regulation XII. 1818, so as to comprehend cases of "Escape from the custody of guards."

M. 1. [Old Schedule.] Maiming, mutilating, and wounding.

15*th.*—Heading No. 33, of Statement No. 1, appears to make this redundant, and it has been consequently omitted. Cases of nose-cutting, or other mutilation, can all be comprehended under the general designation of "Assault with wounding."

M. 2. [Old Schedule.] Mal-treatment.

16*th.*—This term has been ruled to be restricted in application to acts done by Government Officers, which are now provided for by one general heading. It is therefore omitted from the revised list.

M. 2. Misconduct on the part of Government servants, not falling under any specified class of offences.

17*th.*—It is intended that this heading should embrace all acts of omission or commission of a penal character, liable to be charged against persons in the service of Government, as Police officers, watchmen, &c., and it will thus supersede the headings* of the old Schedule, enumerated in the margin, which are therefore excluded from the revised list.

N. 4. Nuisances, offences connected with local.

18*th.*—This is meant expressly to provide for cases instituted under Act No. XXI. 1841, but a parenthetical specification of the particular act, or matter indicted as a nuisance, would be proper to be added, in order that, on revision of the statement, any error, or misapplication of the law may be detected.

SCHEDULE OF MISCELLANEOUS OFFENCES.

Offences.

A.

Nos.
1. Abduction of Females.
2. Abkaree Laws, breach of.
3. Abortion, procuring.
4. Abusive language.
5. Affray, simple.
6. Aliens, breach of laws relating to.
7. Assault, petty.
8. Attempts to commit any of the offences detailed in this Statement.

B.

1. Bad livelihood.
2. Building or using prohibited boats without license.
3. Breach of peace.
4. Ditto apprehended.
5. Ditto trust.
6. Bribery and corruption.

C.

1. Calumny.
2. Canal laws, breach of.
3. Caste, wilfully offending against.
4. Cheating.
5. Chowkeedaree cases under Regulation XXII. of 1816, and Act XV. of 1837.
6. Concealment of heinous offences, wilful.
7. Concealment of birth by mother.
8. Conspiracy.
9. Contempt of Court.
10. Contract, breach of, in workmen or servants, and in masters.

D.

1. Dacoits, belonging to a gang of.
2. Destruction or wanton injury of property.
3. Dhurna.
4. Drunkenness or other disorderly conduct.
5. Duress, illegal.

* Confession of a crime; forcibly extorting; disobedience of orders in Government servants; mal-treatment: neglect of duty in chowkeedars; ditto ditto in Police.

Nos.

E.

1. Embankments, cutting of.
2. Embezzlement.
3. Escape from custody, or jail, of persons charged with, or convicted of criminal offences.
4. Ditto, aiding and abetting the above two offences.
5. Evading process.
6. Export of arms and Military stores, &c., under Act XVIII. of 1841, breach of laws relating to.
7. Exposing infant children.
8. Extortion.

F.

1. False and Malicious complaint.
2. Ditto, information, knowingly giving to the Police.
3. Falsification or alteration of papers, not amounting to forgery.
4. Ferry laws, breach of.
5. Fire-arms, discharging, or letting off fireworks, in or near a public highway, or bazar.
6. Fraud.
7. Fraudulently appropriating, receiving, or concealing, property found, or lawaris, or stray cattle.

G.

1. Gambling, or keeping a gaming house.
2. Gunpowder, keeping excess of.

H.

1. Harbouring, knowingly, bad characters.
2. Harbouring, knowingly, proclaimed offenders.

I.

1. Illegally wearing the Government Military dress, or Government badge.
2. Impressment of coolies, bearers, &c.
3. Incest.
4. Indigo, injuring by trespass of cattle or otherwise.

J.

1. Jail discipline, breach of.

L.

1. Lotteries, breach of laws, relating to.

M.

1. Mint laws, breach of.
2. Misconduct on the part of Government servants, not falling under any specified class of offences.

N.

1. Neglecting to support wife or children.
2. Neglect of duty in Zumeendars.
3. Negligence, culpable, by which injury is caused to person or property.
4. Nuisances, offences connected with local.
5. Ditto, public or indecent exposure of person.

O.

1. Opium laws, breach of.

P.

1. Poisonous or deleterious drugs or substances, administering.
2. Post Office laws, breach of.
3. Printing presses, breach of laws relating to.

Nos.

R.

1. Recognizance, forfeiture of.
2. Religion, offences against.
3. Rescue, forcible.
4. Resistance of process.
5. Riding or driving furiously in a street or public highway.
6. Riot or tumultuous assemblage.
7. Rivers, resisting supervision of.

S.

1. Salt and Customs laws, breach of.
2. Seend-katee, possessing of.
3. Seizure of carriage, illegal.
4. Slavery, breach of laws relating to.
5. Stamp laws, breach of.
6. State offences.
7. Suicide, assisting.
8. Ditto, attempt to commit.

T.

1. Threatening language or actions.
2. Thugs, belonging to a gang of.
3. Trespass.

U.

1. Unnatural crime.

W.

1. Weights and measures, using false.
2. Witness, refusing to give or produce evidence.

No. 679.—*To the Sessions Judges of the North Western Provinces.*

Agra, the 25*th May* 1855.

THE Court are pleased to notify the cancelment of so much of their Circular Order No. 277, dated the 5th, and published in the *Agra Government Gazette* of the 13th March last, as is quoted in the margin*, which does not apply to the existing practice of these Provinces, having been adopted from the Circular issued by the Calcutta Court.

* "A copy of the sentence, as entered in Column 12 of Statement No. 6, will, however, be invariably inserted in the margin of letters transmitting petitions of appeal."

No. 708.—*To the Criminal Authorities in the North Western Provinces.*

Agra, the 2*nd June* 1855.

THE Court having reason to believe from the criminal trials which have come before them, that it is very generally the practice of the Mohurrirs of the Magisterial Courts, who take down the examinations of confessing prisoners, to refer to the original confessions of the same parties recorded at the thanah, and to interrogate the

prisoners therefrom, instead of allowing the latter to make their own spontaneous statements, are pleased strictly to prohibit the continuance of the practice, to which allusion was recently made by the Court in their remarks on a trial disposed of in February last (pages 212-13 of the printed volume Nizamut Adawlut Decisions for that month, case of Deendyal and others.)

2nd.—No great reliance can be placed upon confessions thus elicited, as whatever influence may have induced a prisoner to tell a particular story at the thanah, it will not be weakened in its operation when he has his memory refreshed by the very same questions being asked him in the Magistrate's Court.

3rd.—The Court therefore direct that whenever a prisoner may have made self-implicatory statements at the thanah, the Magistrate or other presiding Officer shall retain such statements in his own possession, until such time as the prisoner's foujdaree statement shall have been recorded, when he will of course be at liberty to question the confessing party as to any discrepancies that may exist between his thanah and foujdaree examinations.

No. 789.—*To the Criminal Authorities in the North Western Provinces.*

Agra, the 16*th June* 1855.

WITH the view to carry out more fully the provisions of Act XXXIII. of 1854, the Court are pleased to prescribe the adoption of the accompanying English and Vernacular tabular forms, which are intended to supersede the final roobakaree recorded at present in every case of conviction, acquittal and commitment. The appropriate form must be filled up, and placed in the record of each case.

2nd.—Form No. 1 is to be employed in all cases of convictions. In the last column a translation in the vernacular will be inserted below the original decision, and grounds thereof recorded by the Judicial officer trying the case.

3rd.—Form No. 2 is to be employed in all cases of acquittals similarly to No. 1. When it may happen that on the same charge one prisoner is convicted, and another is acquitted, both forms must be employed.

4th.—In cases committed to the Sessions, Form No. 3 will be employed. The final order and grounds thereof in column nine will in general be identical with the grounds of commitment entered in column fourteen of the Magistrate's calendar of commitment.

5th.—In cases under Act IV. of 1840, and in miscellaneous cases, no form is prescribed by the Court, but each officer will adopt such form as is required by the special nature of the case before him. In no case will it be necessary to give an abstract of the depositions of witnesses, such abstracts are useless and untrustworthy. The Officer deciding the case has already heard the depositions at length, and the Appellate Court must also peruse the original depositions. Such parts of the evidence as are necessary to the understanding of the case will be so referred to in the grounds of decision recorded by the officer who tries a case, that he will have only himself to blame, if his arguments founded thereon are misunderstood by the appellate authority.

6th.—The Native Deputy Magistrates will of course use only the vernacular form, but European officers will file with the record of every case decided by them, both an English form, and a counterpart in the vernacular.

7th.—A sufficient supply of these forms being now in store at the Secundra Orphan Press, the Magistrates are requested to indent on the Superintendent in the usual mode, and in calculating the amount of forms required by him, each indenting officer must duly take into consideration the number of subordinates exercising Judicial powers in the district under his control.

No. 1.—STATEMENT OF CONVICTION.

DISTRICT.

Mr. *Magistrate.*

1.	2.	3.	4.	5.	6.	7.	8.	9.
Number of case in the Magistrate's Register.	Name of Prosecutor.	Witnesses and documents for prosecution.	Names of Prisoners.	Witnesses and documents for defence.	Crime charged when perpetrated, and date of complaint.	Crime established.	Sentence of the Magistrate, and when it was passed.	Decision and grounds thereof under Act XXXIII. of 1854.

No. 2.—STATEMENT OF ACQUITTAL.

DISTRICT.

Mr. *Magistrate.*

1.	2.	3.	4.	5.	6.	7.	8.
Number of case in the Magistrate's Register.	Name of Prosecutor.	Witnesses and documents for prosecution.	Names of Prisoners.	Witnesses and documents for defence.	Crime charged when perpetrated, and date of complaint.	Date of Acquittal.	Decision and grounds thereof under Act XXXIII. of 1854.

No. 3.—STATEMENT OF COMMITMENT.

DISTRICT.

Mr. *Magistrate.*

1.	2.	3.	4.	5.	6.	7.	8.	9.
Number of case in the Magistrate's Register.	Name of Prosecutor.	Witnesses and documents for prosecution.	Names of Prisoners.	Witnesses and documents for defence.	Crime charged, when perpetrated, and date of complaint.	Crime established.	Date of Commitment.	Final order, and grounds thereof.

No. 1013.—*To the Sessions Judges in the North Western Provinces. Agra, the 3rd August* 1855.

THE Court publish, for general information, the accompanying copies of correspondence between the Presidency Court, and the Government of Bengal, regarding the successful introduction of the system of trial by Jury in the Behar District.

No. 326.—*From the Register of the Nizamut Adawlut, Fort William, to the Secretary to the Government of Bengal.—Dated Fort William, the 21st April* 1855.

I am directed by the Court to forward, for the information of His Honor the Lieutenant-Governor of Bengal, an extract from the Report submitted by the Sessions Judge of Behar, with the Annual Criminal Statements for 1854, and copy of paragraph 14 of the Court's Resolution thereon, dated 21st instant.

Extract from the Report submitted by the Sessions Judge of Behar, with the Annual Criminal Statements for 1854.

Last year the correspondence noted in the margin*, took place relative to the trial of Sessions cases before jurors, and on receipt of copy of Mr. Cardew's letter to the Court, without number, dated 25th August 1853, the practice was commenced in this Sessions Court, on 10th May last, and has ever since continued for every trial up to the present date without the least difficulty. I find Mr. Cardew's remarks most appropriate and practical, though I must beg to decline giving any decided opinion on the subject without much longer experience. I think I may however confidently assert, it is an improvement on the past. I as yet prefer a jury composed of country people to one of towns-people, though I make use of both, as well as the vukeels attached to all the Courts in particular cases. As a general rule, the jurymen meet in the jury box, perfect strangers to one another. My main object is to make the duty as little irksome as possible. Accordingly not a single juryman (now numbering 87) who has once sat, has yet been re-called, and I propose pursuing this plan, as long as the resources of the place will admit of my doing so. I am not without hopes that the system, judiciously and cautiously persevered in, may by degrees cause the duty to become more popular, and train the people generally to take a greater interest in our Courts, on better public principles than any they as yet have an idea of. They are perfect children in habits; not interfering with their prejudices, a little kindness easily leads them, and may possibly win them over to much that is good. Excuses of inability are often made, before consenting to sit on the jury box; a few words soon re-assure, and I do not think a single juryman takes leave, who will not be ready to attend again when required. I have found them, without exception, attentive, more than ordinarily intelligent, as remarked by Mr. Cardew, and in cases calling for it, oftentimes themselves cross-examining. There seems much promise in what has as yet taken place. My greatest difficulty has been amongst the gentry. However a few of them have been induced to sit, and are named by me in the margin*. I endeavor to select cases on such occasions. If the good example thus set by those named was encouraged by the approbation of superior authorities communicated to them directly, it is not impossible I might meet with less difficulty, in winning others over to like conduct.

* Paragraph 13 of Sudder Nizamut Adawlut's Resolution of 17th March 1854.
My letter to the Register, Nizamut Adawlut, No. 82, of 25th April 1854.
Nizamut Adawlut's letter, No. 406, of 3rd May 1854.

List of Native gentry of rank, who have sat on Juries.
Moteesein Gywal.
Damoodur Bareek Gywal.
Baboo Mahadeo Singh.
Srikishen Pattuk Gywal.
Nuwab Fattch Ally Khan.
Cheydee Lall Muhajun.

Extract, paragraph 14, *from the Court's Resolution, dated* 21*st April last, recorded on the Annual Criminal Statements of Zillah Behar, for* 1854.

14*th*.—The Court are gratified to observe the successful endeavours which the Judge has made, with a view to the introduction more extensively of the system of Trial by Jury. They notice with particular satisfaction, that Mr. Sandys has been able to induce some of the leading Zemindars of wealth and local influence, to render him their assistance on certain occasions as Jury-men, in the performance of which duty, those individuals have shown themselves well deserving of the Judge's approbation. A copy of the Judge's report on this subject, and of the Court's Resolution, will be forwarded for the information of His Honor the Lieutenant-Governor of Bengal.

No. 1217.—*From the Secretary to the Government of Bengal, to the Register of the Sudder Court.—Judicial.—Dated Fort William, the* 5*th July* 1855.

With reference to your letter No. 326, of the 21st April last, I am directed to inform you that the Lieutenant-Governor considers very great praise is due to Mr. Sandys, for the tact and judgment with which he has brought about, in the Behar district, the system of Trial by Jury,—a system which Government would gladly see introduced everywhere, but at the same time one which, even were it made compulsory by law, would for a long time depend, for much of its efficiency, upon the degree of cordiality with which individual officers in the different districts might succeed in inducing the people to regard it.

No. 1130.—*To the Magistrates in the North Western Provinces. Agra, the* 18*th August* 1855.

It has been brought to the notice of the Court that the rule laid down in paragraph 6 of their Circular Order, noted in the margin*, which requires all European Officers to file with the record of every decided case both an English form and a counterpart in the vernacular, will be productive of much inconvenience and delay in the despatch of business. In modification therefore of the above rule, the Court direct me to state for the information and guidance of yourself and your European subordinates that, in future, it will be sufficient for them to file with the record a *vernacular* statement of conviction, or acquittal, as the case may be, the English copy being dispensed with altogether. The deciding Officer will, however, insert in *English* in the appropriate column No. 9 his decision and the grounds thereof, to be followed by a translation of the same in the vernacular.

*No. 789, dated 16th June, and published in the *Agra Government Gazette* of the 3rd of July last.

No. 1128.—*To the Sessions Judges in the North Western Provinces. Agra, the* 22*nd August* 1855.

It has been brought to the notice of the Court that the final roobukaree of proceeding drawn up at the end of a sessions trial, which by Circular Order No. 1527, of the 8th of December last, is directed to be preserved for purposes of record, does not contain sufficient information of the nature of the case, in the event of reference requiring to be made to it on any future occasion; that it does not generally shew on what charges the prisoners have been arraigned, and the names of some of the prisoners are frequently omitted, and that in many districts it is confined to the verdict of the Jury, the assent or dissent of the Sessions Judge, and the order of punishment, acquittal or reference to the Nizamut Adawlut.

2nd.—To make the proceeding of value as a record, a slight extension only of its terms is required, and the Court are, therefore, pleased to direct that a vernacular proceeding, in the form annexed to this Circular, or to the like effect, be drawn up in every trial before the Sessions Court, shewing, in addition to the above particulars, the names of all the prisoners, and the crime charged, and that found.

3rd.—This proceeding, or roobukaree, should be on a separate paper, with a view to its preservation when the rest of the record is destroyed.

نقشه نمبر ۱

روبکاري محکمه سشن ضلع مورخه سنه ۱۸۵ ع

باجلاس صاحب سشن جج

امجد علي وکيل سرکار از طرف سرکار بهادر مدعي

بنام

۱ نرپت سنگهه ولد کيوري سنگهه
۲ بهولا ولد بلاقي
۳ چهيدا لعل ولد پربهولعل
} مدعاعليهم

جرم قتل عمد مسمی نوبت سنگهه بنام مدعاعليهم نمبر ۱ و ۲ و ۳

بمقام موضع تهانه ضلع

بتاريخ سنه ۱۸۵ع

آج بعد اختتام مراتب مقدمه کے ارباب جوري سے راے اُنکي طلب هونے پر جوريوں نے بيان کيا که هماري راے ميں جرم مندرجه کلندره اُوپر جمله مدعاعليهم کے ثابت هی اور هماري راے جوري کي راے سے متفق هی حکم هوا که نقل کاغذات سشن معه اصل کاغذات فوجداري بذريعه چٹهي انگريزي کے واسطے صدور حکم کے نظامت عدالت ميں بهيجي جاوے *

دستخط

سشن جج

نقشه نمبر ۲

روبکاري محکمه سشن ضلع مورخه سنه ۱۸۵ ع

باجلاس صاحب سشن جج

امجد علي وکيل سرکار از طرف سرکار بهادر مدعي

بنام

۱ گنگادين ولد تهاکر
۲ فقيرا ولد رامدين
۳ برم ولد ديبي‌دين
۴ گهسيٹا ولد ايسري
۵ بهگونت ولد مهاديو
} مدعاعليهم

جرم قتل شبہ عمد مسمی گلاب سنگھہ بنام مدعاعلیہم نمبر ۱ و ۲ و ۳ و ۴ و ۵ بمقام

موضع تھانہ ضلع

بتاریخ سنہ ۱۸۵ع

آج بعد اختتام مراتب مقدمہ کے ارباب جوري سے راے اُنکي طلب ہونے پر اُنمیں سے فلان فلان دو شخصوں نے راے ثبوت جرم کي نسبت مدعاعلیہم نمبر ۱ و ۲ و ۳ اور رھائي نسبت مدعاعلیہما نمبر ۴ و ۵ کے ظاھر کي اور ارباب جوري میں سے فلان تیسرے شخص نے یہہ بیان کیا کہ کسي مدعاعلیہ پر جرم مندرجہ کلندرہ ثابت نہیں ھی غرض ھماري راے ساتھہ آراے اکثر ارباب جوري کے اِس باب میں متفق ھی کہ مدعاعلیہم نمبر ۱ و ۲ و ۳ پر جرم مندرجہ کلندرہ ثابت ھی اور مدعاعلیہ نمبر ۵ قابل رھائي کے ھی لیکن خلاف راے اُنکے ھمارے نزدیک مدعاعلیہ نمبر ۴ کے اُوپر بھي جرم ثابت ھی پس *

حکم ھوا

کہ گنگادین ولد ٹھاکر اور فقیرا ولد رامدین اور پرم ولد دیبي دین با مشقت اور پا بجولانہ واسطے مدت سات برس کے مقید کیئے جاویں اور گھسیٹا ولد ایسري واسطے میعاد پانچ برس کے با مشقت و پا بجولانہ قید رھے اور بھگونت ولد مہادیو رھائي پاوے اور وارنٹ حسب معمول اجرا پاوے *

دستخط

سشن جج

No. 1131.—*To the Sessions Judges in the North Western Provinces. Agra, the 25th August* 1855.

The Court desire me to transmit, for your information, the annexed Resolution of Government, in the Judicial Department, No. 1717 A., of the 13th instant, regarding the contingent allowance for Stationery, &c., to be drawn by Tehseeldars and Moonsiffs, exercising the powers of a Deputy Magistrate.

No. 1717 A.—*Resolution.—Judicial Department, North Western Provinces. Head-Quarters,—Nynee Tal, the 13th August* 1855.

It having been brought to notice, in connection with the revision of the Police Establishments in the Meerut Division, that Tehseeldars, when appointed Deputy Magistrates, are exposed to loss in being obliged to provide Stationery, and the services of a Mohurrir, to record proceedings, prepare returns, &c., the Lieutenant-Governor is pleased to resolve that, whenever an Officer, of the grade of Tehseeldar or Moonsiff, may exercise the powers of a Deputy Magistrate, he shall draw in that capacity a monthly contingent allowance of ten rupees to cover the above expenses.

This allowance will be drawn from the 1st instant.

Bills for this amount will be audited by the Civil Auditor, North Western Provinces, on the counter-signature of the Magistrate of the District, who will certify that the Moonsiff, or Tehseeldar, has, during the month, exercised the functions of a Deputy Magistrate.

ORDER.

Ordered, that copies of this Resolution be forwarded to the Nizamut Adawlut, North Western Provinces, for communication to Sessions Judges, and, through the Commissioners of Divisions, for the information and guidance of Magistrates of Districts.

Ordered also, that a copy be furnished to the Civil Auditor.

No. 1264.—*To the Criminal Authorities in the North Western Provinces.*

Agra, the 3rd September 1855.

THE Court publish, for general adoption in all the Criminal Courts under their jurisdiction, the accompanying 19 forms of Criminal process, the cost of printing which will, under the sanction of His Honor the Lieutenant-Governor, be borne by Government.

2nd.—A sufficient quantity of these processes being now in store, the Magistrates are directed to indent upon the Secundra Orphan Press through the Court for a three months' supply of such of the forms, and in such of the languages, as they may require, in the annexed Form of Indent.

3rd.—After watching the expenditure of the first estimated supply for three months, each officer will be able to calculate, with sufficient correctness, the number of each form required by him for a year's supply. The number of the English version of the forms indented for will of course depend on the average number of European defendants and witnesses summoned before the Criminal Courts: in some districts they will hardly be required at all.

4th.—For the sake of convenience, the registered number of each form is given in the annexed Indent; thus the registered number of Form No. 1 in English is 140, and in Oordoo 159.

FORM OF INDENT.

Number of Process.	Number of copies required for three months' supply.			
	Registered No.	English.	Registered No.	Oordoo.
1	140		159	
2	141		160	
3	142		161	
4	143		162	
5	144		163	
6	145		164	
7	146		165	
8	147		166	
9	148		167	
10	149		168	
11	150		169	
12	151		170	
13	152		171	
14	153		172	
15	154		173	
16	155		174	
17	156		175	
18	157		176	
19	158		177	

NOTE.—Half of this Indent is required for the Magistrate and Officers at the Sudder Station, ¼ for the Deputy Magistrate of ————, and ¼ for the Deputy Magistrate of ————.

N. B.—The Forms are not printed, but are supplied by Nizamut Adawlut.

No. 1326.—*To the Sessions Judges in the North Western Provinces.*

Agra, the 26th September 1855.

THE particulars which are given in the Quarterly and Annual Statement No. 9 A. prescribed by Circular Orders, No. 98, of the 27th June 1842, and No. 240, of the 20th of February 1855, being included in the Magistrate's Statement No. 9, the Court authorize the discontinuance of the former Return.

No. 1361.—*To the Criminal Authorities, North Western Provinces.*

Agra, the 22nd September 1855.

THE Court publish, for general information, copy of a Circular issued by the Presidency Court on the 17th ultimo, noticing the irregularity of not duly accounting, in the periodical Statements, for all persons apprehended by the Police in their enquiries in Criminal cases.

2nd.—The Court are not aware that this practice prevails in any of the Districts within the limits of their jurisdiction; but they deem it proper to draw the attention of the Magistrates to the subject, with a view to the discontinuance of the practice, should it any where exist.

No. 10.—*To the Criminal Authorities in the Lower Provinces.*

Fort William, the 17th August 1855.

The Court have ascertained that a practice exists in more than one District, under their jurisdiction, of not duly accounting, in the Periodical Statements, for all the persons who are apprehended by the Police in their enquiries in Criminal cases.

2.—Such a practice obviously defeats the ends for which the Rule in Clause 17, Section 19, Regulation XX. of 1817 was enacted, which provides that no person, who may be once apprehended, shall be discharged, except on bail or under the special orders of the Magistrate. Periodical Returns, thus incorrectly prepared, give a false colouring to the state of the District, and of the Police, to which they refer, and the Court hope that they may not have occasion to notice any similar irregularity in future.

3.—At the same time the Court observe that, in contrasting the number of convictions and acquittals in any District, due allowance will always be made by them for the number of persons entered as acquitted under the head of "Released on bail by the Police." It is the duty of every Magistrate to prevent his Police Officers from apprehending any person without sufficient cause, but it is still more important that every person, who is apprehended by the Police, should be duly accounted for to the Magistrate.

No. 1394.—*To the Criminal Authorities in the North Western Provinces.*

Agra, the 9th October 1855.

THE Court notify for general information and guidance the rescission, in concurrence with the Presidency Court, of Construction No. 1167, which vests a Magistrate with discretionary power to authorize the detention at the thanah of persons charged with criminal offences beyond the period specified in the 16th Clause of Section 19, Regulation XX. of 1817.

2nd.—It will be necessary for Magistrates, to apprise all Police Officers that the rule of limited detention laid down in the Law, (whether such detention be at the thanah, or at the scene of the crime,) is now, and henceforward, absolute, and will admit of no relaxation.

No. 1550.—*To the Sessions Judges in the North Western Provinces, the Commissioner of Kumaon, and the Superintendent of Jaloun and Jhansee.—Agra, the* 17*th November* 1855.

THE Court desire me to forward, for the information and guidance of yourself, and the Magistrate or Magistrates subordinate to you, copies of a letter from the Secretary to Government, North Western Provinces, No. 2443 A., of the 5th instant, and its enclosure from the Medical Board, intimating the despatch, to the Civil Surgeons of certain districts mentioned therein, of boxes containing tests and apparatus for medico-legal investigations.

2*nd*.—In respect to districts other than those marginally noted in the Medical Board's letter, the Local Officers charged with criminal investigations will, whenever they may have occasion to resort to professional agency for the detection of poison in substances, or human subjects, forward the suspected articles to the Magistrate of the nearest district, which has been supplied with the necessary apparatus, for examination and report by the Civil Surgeon.

No. 2443 A.—*From Secretary to Government, North Western Provinces, to Officiating Register, Nizamut Adawlut, North Western Provinces.—Judicial Department,—Dated Head-Quarters,—Nynee Tal, the* 5*th November* 1855.

With reference to former correspondence, I am desired to forward, for the information of the Court, the accompanying copy of a letter from the Medical Board, dated 11th October, No. 983, intimating the despatch of boxes containing tests and apparatus for medico-legal investigations.

No. 983.—*From the Medical Board, to the Hon'ble J. R. Colvin, Esq., Lieutenant-Governor, North Western Provinces.—Fort William, the* 11*th October* 1855.

In reply to Mr. Muir's letter No. 1955 A., of the 5th ultimo, we have the honor to report that the Hon'ble the Court of Directors having been pleased, in compliance with our recommendation, to send out in February last, 40 boxes containing tests and apparatus for medico-legal investigations, we directed the apothecary to the Hon'ble East India Company, (in our Secretary's letter, No. 1591, of the 1st March 1855,) to send a box to each of the Civil Surgeons of the stations in the North Western Provinces noted in the margin.*

Benares.	Delhie.
Mirzapoor.	Agra.
Allahabad.	Bareilly.
Cawnpoor.	Moradabad.
Meerut.	Saugor.

No. 1573.—*To the Criminal Authorities in the North Western Provinces. Agra, the* 20*th November* 1855.

THE Court, having been in communication with His Honor the Lieutenant-Governor, on the subject of the Custody of the Circuit Houses recently purchased, or erected, for the use of the Sessions Judges at out-stations, where there may be no Zillah Court, are pleased to notify, for the information of the Local Authorities, that the care of these buildings, when not in use, remains with the Magistrates, who should arrange for the purpose from the general establishments at their disposal.

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CIRCULAR ORDERS

OF THE

SUDDER BOARD OF REVENUE,

NORTH WESTERN PROVINCES,

FOR 1855.

No. 1.—*To all Commissioners and Collectors.—Dated Agra, 2nd January* 1855.

THE Sudder Board of Revenue, under instructions received from Government, direct that in all districts in which the hulquhbundee, or arrangement of convenient charges for putwarees, has been fully introduced, the putwaree of each hulquh shall be required to report to the Tuhseeldar of the purgunuh the establishment of a new school, or the abolition of an existing one, in the villages or hamlets within his charge or circle.

The Board, under the orders of Government, require putwarees to report the establishment of new, or the abolition of existing, schools, within their respective charges.

2nd.—The Tuhseeldar, on receiving the report, will inform the Purgunuh Visitor of Schools without delay.

3rd.—The Collectors should satisfy themselves that these instructions are explained to all the putwarees, and that the Tuhseeldars take pains to enforce their observance.

No. 2.—*To Commissioners, Dehlie, Meerut, Kumaon, Rohilcund, Agra, Allahabad and Benares.—Dated Agra, 2nd January* 1855.

RE-MEASUREMENTS, having for their object the correction of the records prepared at settlement, are in progress in many districts of these provinces, and will probably be extended to all.

The Board direct, that in all official measurements the beegah used in each mouzah by the surveyor shall be maintained. Call for adivisional statement of such beegahs, and special reports, where an uniform standard beegah has been introduced since the survey.

2nd.—It has, therefore, become necessary to determine definitely for each district, purgunuh, or other sub-division, the size of the standard beegah to be used in such measurements. On this subject, the Board have been in communication with Government, under the sanction of which the present Circular is issued.

3rd.—At the survey, preparatory to settlement under Regulation IX. 1833, there was no uniform standard beegah for these provinces; but beegahs of different sized were selected with reference mainly to those already officially recognized, or supposed to be generally known in the several districts, and their sub-divisions. Thus in the Benares province the beegah of 3,136 square yards, prescribed by Section 5, Regulation II. 1795, was maintained; but in the Ceded and Conquered Provinces, beegahs, varying in extent, were adopted for different districts, and in some instances for different portions of the same district.

4th.—In measurements which have been made since the survey and settlement, the standard beegah or beegahs then used, have been generally followed, but in some districts these have been departed from, and a new standard beegah has been taken, with reference either to the English statute acre, or the dimensions of the local kutcha beegahs ascertained, or supposed, to be in use among the agricultural population.

5th.—The introduction now of one uniform standard beegah for these provinces, has been proposed, but the idea has been abandoned, as the alteration would, it is believed, cause trouble and confusion, and render the existing records of settlement less useful for reference and comparison.

6th.—The Government has determined, therefore, to maintain, as a general rule, for the standard square measure of each district, purgunuh or other local division, the pucka beegah used therein at the survey, and all official measurements are to be made in it, and no change allowed, without the sanction of Government, previously obtained.

7th.—Wherever this standard pucka beegah bears a definite and ascertainable relation to the local kutcha beegah, used by the agricultural population for the calculation of rent or for measurement, that relation should be carefully noted at the foot of the khusruh, and on the shujruh, or field map; but the dimensions, real or supposed, of the several fields in such kutcha beegahs need not be shewn in the khusruh.

8th.—But wherever no satisfactory relation can be determined, or approximately assumed, then the dimensions of the several fields in local kutcha beegahs must be ascertained upon the spot from the zemindars and cultivators, and should be entered in a separate column of the khusruh. But these entries should be derived from the estimate of the people, and not from actual measurement.

9th.—Tables for the conversion of the standard beegahs, biswahs and biswansees of the survey, into English statute acres and aliquot parts, and *vice versâ*, will be compiled in the Board's office in English and Oordoo, for every district, purgunuh or local sub-division, in which a different standard beegah was used at the survey. These will be printed for distribution, and copies should be affixed in the English and Vernacular offices at the sudder station, and in every tuhseel office.

10th.—In communicating these orders to the Collectors of your division, you will instruct them to report, without delay, the number of square yards in the beegah adopted by the surveyor in their respective districts, and where more than one was used, the number of square yards in each, with a list of the purgunahs in which it was followed. This information should be thrown into a divisional return, in the form subjoined, which alone need be submitted to the Board:—

District.	Number of square yards in standard beegah of survey.	Remarks.
1.	2.	3.

N. B.—Where, in the same district, more than one beegah was used by the surveyor, enter the size of each separately in column 2, and in column 3, note the purgunuhs to which it applies.

11*th.*—It should be clearly undersood, that in all future official measurement, including cases of summary settlement, alluvion, diluvion, partition and revision of records, the beegah used by the surveyor at the settlement, in each mouzah, must be maintained.

12*th.*—It only remains to notice those districts, in which, as observed in paragraph 4, an uniform standard beegah, differing from the beegah or beegahs used at the survey, has since been introduced. In these districts, which are believed to be few, special orders will be required. The retention of the new standard beegah introduced since the settlement, will depend on the extent to which it has been used in re-measurements, and become understood by the people.

13*th.*—For such districts you are requested to furnish, in addition to the information called for in paragraph 10, special reports on the points above indicated, with an explanation of the authority and circumstances under which the new standard was adopted. The exact size of the new standard in square yards should also be given.

No. 3.—*To all Revenue Authorities, (Land Revenue and Customs).*
Dated Agra, the 2nd February 1855.

The Board, with the sanction of Government, issue rules for the adjustment of the salaries of ungazetted Officers under suspension.

THE Sudder Board of Revenue have ascertained, that the rules, which should guide Officers in the Revenue Department in matters connected with the suspension from employment of ungazetted Officers subordinate to them, and in the adjustment of their salaries during, and after, the period of suspension, are not generally understood. The following instructions, therefore, are issued with the sanction of Government, to ensure an uniform system of procedure in such cases.

2*nd.*—Ungazetted Officers, whose salaries amount to Rs. 10 per mensem and upwards, should not be suspended from employment without the previous sanction of the Commissioner, except in cases of gross misconduct, in which immediate suspension may be considered absolutely necessary, and in such cases (which can but seldom occur) a report of the Collector's proceedings should be at once submitted to the Commissioner of the Division, by whom information should be given to the Board of the suspension of Officers drawing Rs. 30 and upwards.

3*rd.*—Whenever the suspension of any ungazetted Officer is recommended or reported, the Collector should state clearly what arrangement will be made for the duties of the temporarily vacant office, and what portion of the salary (which should not be less than one-fourth, and where the salary is below Rs. 16 should not be less than Rs. 4,) he proposes to allow to the accused, during the period of suspension and investigation.

4*th.*—It is not always necessary, that a substitute should be appointed to officiate during this period. The duties may, for a time, be performed by one or more of the officials in the same department. But whenever a substitute is entertained, he should receive one-half of the salary of the suspended Officer, in addition to a moiety of his own salary, if borne on the strength of the establishment.

5*th.*—The balance of salary, after deducting the allowance, as above, to the suspended Officer, and to his *locum tenens*, (if any) should be held in deposit.

6*th.*—In all cases, Commissioners should see that the investigation is promptly brought to a close, and as promptly reported. If the suspended Officer is fully acquitted, he will be entitled to his full salary during the whole period of suspension, and in that case the allowance to the substitute (if any) will be, on the sanction of Government being obtained, a charge against the State, provided there has been nothing in the proceedings of the Collector, to justify his being held responsible for the extra and unnecessary disbursement. If the accused is convicted, the final order, whether in first instance

or appeal, should contain a clause, providing for the balance of salary in deposit, whether he be restored to, or permanently removed from, office.

7th.—And with this view, the items of salary should be retained in deposit for a period of six months from the date of the Commissioner's confirmation, in order that the accused may have time to appeal to the Board.

8th.—It should be understood, that if any Officer is restored, without a distinct record on the part of the superior Officer, to whom the authority for restoration belongs, that his allowance, for the term of suspension, is to be subject to a specified reduction; or if any such Officer die while under suspension, before a definite opinion has been formed as to his guilt or innocence, such public Officer, or his heirs, should be held entitled to the full salary to the date of restoration or demise. In the latter case, however, there may be such conclusive presumption of guilt as would warrant the Government, on a full report of the facts elicited, in refusing the claim.

9th.—But suspension from office for a specified period, awarded as a punishment, must be distinguished from suspension pending enquiry. In the former case no allowance need be made to the suspended Officer, and the whole salary, or a moiety (if a substitute be appointed) should be held in deposit for the same term of six months. If the sentence be reversed or modified, and any extra charge has been thereby incurred, it must be borne by the State, if the proceedings of the Local Officers have been regular.

No. 4.—*To all Revenue Authorities, North Western Provinces.*
Dated Agra, the 20th February 1855.

The Board refer all Revenue Officers, acting judicially, to the requirements of Act XXXIII. of 1854, regarding the mode of writing, signing, and recording their decisions and final orders, with the reasons for them, and specify the cases in which Revenue Officers act judicially.

THE attention of all Revenue Officers, acting judicially, is directed to the requirements of Act XXXIII. of 1854, regarding the mode of writing, signing, and recording their decisions and final orders, with the reasons for them.

2nd.—Commissioners of Revenue will charge themselves with seeing that the Act is properly carried out, in their several Divisions, by all subordinate Revenue Authorities.

3rd.—Revenue Officers act judicially, in disposing of the following classes of cases:—

I.—Decisions on questions of right, in cases taken up under Section 20, Regulation VII. of 1822, and Regulation IX. of 1833, whether arising out of a new settlement, or revision of records of existing settlements.

II.—Decisions in boundary cases, under Act I. 1847.

III.—Cases in which parties are tried by Revenue Officers, for alleged infringement of the Abkaree laws.

IV.—Decisions in investigations into *maafee* tenures, made under Regulation II. 1819, Regulation IX. 1825, and Regulation III. of 1828.

V.—Decisions in Summary Suits for rent, replevin, or ouster, or on claims to distrained property, or property attached in execution of a summary decree; also in decisions in suits against agents, and putwarees employed by landlords in the management of their estates; and in suits brought by abkaree farmers against venders and manufacturers of spirituous liquors, under Clause 2, Section 8, Regulation VII. 1824.

4th.—Junior Revenue Officers should record their opinion in the mode prescribed by the Act for final decisions, in all cases of the above descriptions made over to them for investigation and report, which they may not be competent to decide of their own authority.

No. 5.—*To the Commissioners of Revenue in the North Western Provinces.*

Dated Agra, the 2nd March 1855.

The Sudder Board, with the sanction of Government, prescribe forms and rules for Tuccavee advances, for works of permanent utility.

THE Sudder Board of Revenue, with the sanction of the Government of these Provinces, prescribe the following rules for revised periodical returns of Tuccavee advances for works of permanent utility, made under the provisions of Section 2, Regulation XLVI. 1795, for Benares, and Sections 8 to 15, Regulation XLIV. 1803, for the Ceded and Conquered Provinces.

* Printed Circular IV. Paragraphs 245 to 248.
No. VI. of 1847.
No. XXV. of 1847.
Letter D. of 1853.

2nd.—The Circular Orders of the Sudder Board of Revenue, enumerated in the margin*, are superseded by these rules, and the forms annexed will be observed in future.

3rd.—FORM A.—Applications for such advances will be submitted in this form to the Sudder Board of Revenue for sanction, and as from these a register will be compiled in the Board's office, the transmission of a divisional register, as heretofore, is unnecessary.

4th.—FORM B.—The Towzee of these advances will, in future, be furnished annually for each division according to the official year, and should be despatched from the Divisional Office by the 15th May. As the annual return of advances actually made has been dispensed with, it will be necessary, in order to keep the Sudder Board's register correct, that the sums not disbursed should be indicated. This may be done without an additional statement, by a note in the column of remarks in the Towzee; thus:—

Amount sanctioned:

Untaken advances of 1853-54, -- -- -- -- -- -- -- -- -- -- --	0 0 0
Sanctioned in -- 1854-55, -- -- -- -- -- -- -- -- -- -- --	0 0 0
Total,--	0 0 0
Advanced during the year, as per column 2, -- -- -- -- -- -- -- --	0 0 0
No. and amount of each item forfeited for non-acceptance within 3 months, --	0 0 0
Remaining to be accounted for in 1855, -- -- -- -- -- -- -- -- --	0 0 0

5th.—FORM C.—The detailed statement of instalments due, collections, and balances, will be drawn out in this form, according to the official year. Only those cases will be entered, in which some portion of the advance was actually due, according to the instalments agreed upon, within the year. The total entries in columns 9, 10 and 11, should correspond with the sums entered in columns 6, 7 and 9, respectively, of the Towzee.

6th.—Instances of premature requisition of payment having been brought to notice, the Sudder Board direct, as a general rule, that the instalments for repayment of a Tuccavee advance for a work of permanent utility, shall not commence until the lapse of a twelve-month from the date fixed for the completion of the work on account of which it was authorized, and that, except in special cases, the whole advance shall be re-paid in three years from that date.

FORM A.

Application for Tuccavee advances for works of permanent utility.

District.	Pergunnah.	Mouzah.	Number of Application.	Date of Application.	Amount of Advance.		For what work.	When to be finished.	Advance when to be re-paid, with date of instalments.	Remarks.
					Proposed.	Sanctioned by the Board.				
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.

FORM B.

Yearly Towzee of Tuccavee advances for works of permanent utility, collections and balances in the district for 185 -5 .

Advances made.			Advances due.			Collections within the year.	Outstanding Advances.		Remarks.
Up to close of last year.	Within the present year.	Total.	At close of last year.	Within the present year.	Total.		Not due.	Due.	
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.

FORM C.

Detailed Statement of instalments due, collections and balances on account of Tuccavee for works of permanent utility in the district for the year 185 -5 .

Number.	Pergunnah.	Mouzah.	Number in Tuccavee Register.	Number and date of authority.	Amount advanced.	Instalments due.			Realized up to the close of the year.	Balance.	Collector's explanation.	Commissioner's Orders.
						At the close of 185 .	Became due during the year.	Total demand.				
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.

No. 6.—*To all Revenue Authorities, North Western Provinces.*

Dated Agra, the 6th March 1855.

The Board, with the sanction of Government, prescribe Rules for proceeding under Section 4, Regulation IX. 1825.

THE Sudder Board of Revenue, with the sanction of the Government of these Provinces, direct the attention of all Revenue Authorities to the following Rule, for proceeding under Section 4, Regulation IX. of 1825.

2nd.—If a notification threatening annulment of engagements shall have been issued, and the malgoozar shall fail to make good the arrear within the term fixed, then, provided the month of grace allowed by the Section cited shall have expired, the Collector should declare by a formal proceeding that the settlement is annulled.

3rd.—Until this is done, he is not warranted in refusing to accept payment of the arrear by the defaulter, if tendered by him; but if the Collector should think proper to allow further term for payment, he may suspend the order of annulment until such further term shall have expired.

No. 7.—*To all Commissioners, North Western Provinces.*

Dated Agra, the 13th March 1855.

Prescribing rules for the education of male minors.

IN continuation of Circular Order No. 17 of 1854, the Sudder Board of Revenue, under directions from the Government of these Provinces, prescribe, that all appointments of tutors to male minors, under the Court of Wards, and the direction of their course of study, shall be arranged by the District Officers, in communication with the Director of Public Instruction.

NOTIFICATION.—*Revenue Department,—Dated Agra, the 10th April* 1855.

Prescribing supplemental rules to those contained in paragraphs 19, 20 and 21 of Notification No. XI. dated 24th October 1854, regarding lands appropriated for railway purposes.

THE Sudder Board of Revenue having received applications for a more detailed exposition of the principles to be followed in calculating fair compensation due to parties who have various interests in lands appropriated for railway purposes, conformably to 19, 20 and 21 of the rules in the Notification No. XI., dated 24th October 1854, circulate, with the approval of Government, the following instructions for general information.

Proprietor.

2nd.—In this case ascertain the customary rent of the land, and deduct 15 per cent. for expenses of collections and contingencies of season. This will give the net rent. From this net rent deduct the proportionate Government juma at the revenue rate, with an addition of 10 per cent., which is the ordinary limit to the amount of authorized reduction of juma, and for the residue allow 10 to 12 years' purchase of the amount, if the proprietor should assent to this, which is the most convenient mode of adjustment.

Talookahdars and biswahdars.

3rd.—The rule for adjusting the claims of biswahdars should be as follows:—Ascertain the net rent as in the case of proprietors, and deduct from it the Government juma, plus 10 per cent., and also the malikanah. The remainder will be the biswahdar's net profit to be compensated; but inasmuch as the biswahdars have a reversionary interest in a portion of the malikanah, the commutation might be at a slightly higher rate than in other cases.

4th.—The malikanah should be divided into two parts. Ten per cent. on the juma, which is the perpetual right of the talookahdar, should be commuted for 10 or 12 years'

purchase: the remainder should be paid from the Government Treasury till the settlement expires.

5*th*.—For instance, 1 rupee net jummabundee in a biswahdary estate is thus divided:—

Government, -- -- -- -- -- --	·60
Talookahdar, -- -- -- -- -- --	·18
Biswahdar, -- -- -- -- -- --	·22
	1

At the end of the settlement under the rules for fixing the Government demand at one-half of the well-ascertained average net assets, and levying school and road cesses—

Government will take, -- -- -- -- --	·51
The Talookahdar, -- -- -- -- --	·05
The Biswahdar, -- -- -- -- -- --	·44

6*th*.—Or, in round numbers say that on the malikanah, if calculated at the above rate, one-third is the permanent right of the talookahdar. The remaining two-thirds will be received by the talookahdar during the term of settlement, and will then lapse to the biswahdars.

7*th*.—The compensation to the talookahdar should therefore be two-thirds as an annual payment, to cease on settlement, and one-third commuted for a money payment.

8*th*.—These cases will be rare, and mathematical accuracy is not necessary. Each case may be specially considered; but the above exposition of the extent of interests possessed, will guide to a fair apportionment of the compensation. The principle is the same, whether the biswahdars are under direct engagements, or pay through the talookahdar.

Tenant contracting year to year.

9*th*.—In this case ascertain the customary annual rent, calculate the profit at 25 per cent. thereon, and let this amount of profit be paid for one year.

Tenant with permanent right of occupancy at full rates.

10*th*.—In this case proceed as in the preceding case, but tender compensation of from 3 to 5 years' profits.

Tenant with permanent right of occupancy at privileged rates.

11*th*.—In this case allow the same per-centage for profits as in the preceding cases, but add the difference between the rate paid, and the rate payable by a tenant of the previous description on similar land, and allow from 8 to 10 years of the collective amount as compensation.

Minhyedar.

12*th*.—If the Minhyedar merely enjoys the rent paid by subordinate tenants who have rights of occupancy, ascertain the customary rent, deduct 15 per cent. for expenses, of collection and contingencies of season, and award compensation from 8 to 12 years purchase.

13*th*.—If he is himself the cultivator of the holding, ascertain the rent at fair rates, and add 25 per cent. as profits, and tender compensation of the collective amount for the same term as in the preceding case.

14*th*.—Precautionally observe if the Minhyedar is a rural policeman, or village artizan, part or all of whose assignment is absorbed by the railway, but whose retention in the village is not, on that account, to be dispensed with, the compensation determined should not be wholly given to him. A part only, say one year's amount, should be given as subsistence, and the residue awarded to the party or parties who may give up an equal portion of land to re-place the extent absorbed by the railway.

No. 8.—*To all Revenue Authorities, (Land Revenue and Customs.)*
Dated Agra, the 20th April 1855.

Prescribing a form and rules for reporting the nomination of officers drawing a salary of Rs. 10, and upwards.

In continuation of their Circular Order No. 3 of 1855, the Sudder Board of Revenue direct the attention of all District Officers to the rule requiring that the sanction of the Commissioner of Revenue shall be obtained to the appointment of all Officers on the establishment, drawing a salary of Rs. 10, and upwards.

2nd.—All such appointments should be reported for sanction, according to the form annexed, within six months from the date of nomination.

Nomination Roll of Officers drawing a Monthly Salary of Rs. 10 *and upwards, recommended for confirmation in the* *District.*

Office and salary of Nominee.	How vacant.	Name, caste and age of Nominee.	Family residence.	Relationship with other Government Officials in the district.	Former employment.	Date of nomination to present office.	Remarks.
1.	2.	3.	4.	5.	6.	7.	8.

No. 9.—*To Commissioners and Collectors in the North Western Provinces.*
Dated Agra, the 4th May 1855.

The Sudder Board, with the sanction of Government, lay down rules for revenue officers, regarding the distribution of business and reports of progress, the arrangement of records, and compilation of registers of permanent utility.

The Sudder Board of Revenue, for the North Western Provinces, have for some time past been engaged in the revision of the rules and practice regarding,—

I.—The distribution of business in the Collectorate Offices, and reports of progress.

II.—The methodical arrangement of the record office, and

III.—The compilation of registers of permanent utility.

2nd.—The following instructions on those points are issued with the sanction of Government. The subject of the separation and disposal of useless records has also been under enquiry, and will form the subject of subsequent directions.

3rd.—The Collector's office, it should be observed, is both an office of current business, and an office of record. In the former, or Moonshee khanah, cases are prepared, and disposed of, and the records of certain special departments, such as accounts,

and the treasury, are retained for a longer or shorter period, according to convenience. In the latter, or Mohafiz khanah, cases decided, and other records not required for ordinary reference, are finally deposited for safe custody, and arranged according to system.

4th.—It is important to maintain a suitable connection, and correspondence between the details of business in the one office, and the classified arrangement in the other. But it has been found that both the departmental lists, and record office registers, are defective in this respect. It has been therefore determined to close those which at present exist, and to open new forms for observance from the 1st May 1855.

5th.—The new form of departmental list A.* contains every description of case which comes under the cognizance of revenue officers in these provinces, and in order to obviate misapprehension, the law and rule of practice applicable to each case has been inserted.

6th.—The statement of business B.* maintains exactly the same order, and departments as the previous list. It is in future to be submitted quarterly to the Commissioner, and annually, as an Appendix to the report on Revenue Administration.

7th.—Much inconvenience has arisen from the various official designations given to the same cases in different Collectorates, rendering it impossible to form a comparative estimate of the work performed. The designations herein adopted must in future be strictly maintained.

8th.—The order of cases in the record office registers, Appendices C. and D., is the same as the above (or Appendices A. and B.,) although the classification is more compendious. In these, as in the departmental list and statement of business, a distinction has been made between cases relating to mouzahs, and those which are of a general character, and will be uniformly designated by the name of "kooleat." This is intended to secure greater accuracy in departmental details, and systematic arrangement of records of a general character in the record office.

DISTRIBUTION OF BUSINESS.

9th.—The proper distribution of business is a very essential point. At present there is much variety of practice in different districts, the work being, in some, distributed only according to *subjects*, in others also by *territorial* division. The latter method, which has been recommended in paragraph 13 of Directions to Collectors, is in many respects preferable. The native officers become thus experienced in various departments of the office, and deputations of the superior in charge of a sub-division of the district, one or more tehseeldarees for example, cause no inconvenience. The Collector must of course, however, exercise his discretion in keeping any particular department of business for the entire district under charge of one or more subordinate native officers. This will obviously be necessary with regard to such departments as must always be conducted at the sudder station, such as sales, matters connected with the treasury, &c.

10th.—The distribution of business on the principle of territorial division, and general departments for the whole district having been determined, the subordinate native officer in charge of the files of each such division or department must maintain a complete and distinct set of classified registers, one for each kind of case under his care.

11th.—These will show the description of case, the department to which it belongs, and the number, mouzahwar or general, under which it will be entered in the record-keeper's registers. The form, Appendix E., of all such registers may be the same, but under the column of description of case, care must be taken to make a correct entry.

* Appendices are printed separately.

12*th*.—These registers should be of one size, but need not be bulky. For several departments a single sheet for each will suffice, and after a year's experiment, the Collector will be able to judge the probable number of cases of each description that will be filed annually, and determine the number of sheets which should be stitched together, sufficient for probable entries.

13*th*.—The usefulness of the classified registers, accurately kept up from day to day, is apparent; they enable the Collector at any time to watch the progress of business in the various departments of his office, and to test the accuracy of the compilation of the periodical statements of business.

Section 5, Regulation XXV. 1803.

14*th*.—Delay frequently arises from the entry of all papers in the diary, or rozenamchah required by law, before delivery to the departmental subordinate for execution of the order passed. To obviate this, in future two diaries should be maintained. In one will be entered all petitions received, and orders thereon, in the other all reports, roobukarees, kyfeeuts, &c. received, and orders passed on them.

15*th*.—The papers having been recorded in the rozenamchahs, they will at once be made over to the departmental mohurrir, who will enter all new cases at once in the appropriate register, attaching a fly-leaf to the petition or other paper forming the commencement of the file, on which leaf must be entered, as received, the description of every paper which makes up the misl. The signature or initials of the mohurrir should be fixed at the head of the fly-leaf, and when the case is decided, the number of papers in the file should be totalled, and signature or initials as before affixed at the end.

16*th*.—On the fly-leaf attached to each misl must be shown the department, the number in the departmental list, and that of the record-keeper's register also, and description of the case. The same should be entered in the kyduk or wrapper, (see Appendix F.)

17*th*.—Each departmental mohurrir should keep his cases in three bundles, one containing the cases ready for hearing, another those in progress of preparation, and the third those in which final orders have been passed, but which await return of execution.

18*th*.—At the close of each month, the departmental mohurrirs will prepare from the classified registers an abstract statement of business instituted, disposed of, and pending, to enable the Collector to observe the state of his own files, and those of the Deputy Collectors or Assistants. From these the quarterly statements will be compiled for transmission to the Commissioner's Office.

19*th*.—No case should be delivered from the Moonshee khanah to the record office until fully complete in every respect. The record-keeper's receipt should always be entered in the proper column of the classified register, and to prevent confusion, a set day in the week should be assigned as that on which each departmental mohurrir will ordinarily make over his completed files to the record office.

20*th*.—Care should be taken to keep the papers of special departments, Treasury and Stamps Accounts, and the Nazir's, with appropriate lists and in chronological order, in separate receptacles from those assigned to other departments of the Moonshee khanah. After a lapse of two or three years, such as are not ordinarily required for reference can be consigned to a particular quarter of the record office, whereas cases on the departmental list should, as above directed, be weekly consigned to the record office, when disposed of.

21*st*.—One particular press should be kept in the Moonshee khanah, for reception of all vernacular publications of Acts, Orders and Rules and Circular Orders. With these also should be placed registers of permanent utility for reference.

22*nd*.—It will be the duty of Commissioners, in their yearly inspections, to examine and report on the regular and orderly execution of the above instructions, and to see that no records are kept in boxes, or other closed receptacles, besides those which may be in use by the departmental mohurrirs strictly for their current cases.

23*rd.*—It remains only to be observed on this part of the subject that the statements of business compiled monthly for the Collector should be prepared so as to come under scrutiny in the beginning of each successive month, and that those compiled quarterly for the Commissioner, should be prepared and transmitted with similar punctuality. In the last column, the date of each oldest case, with the name of the officer with whom it rests, must invariably be stated. Should any description of case occur, which appears to the Collector not to be included in the authorized headings, he will report the same to the Commissioner for instructions. If the Commissioner concur with the Collector, he will submit the subject for the orders of the Board, who will, if necessary, sanction an appropriate addition to the prescribed entries. Without such authority no variation will be allowed in any of the registers enjoined by this Circular.

24*th.*—As the departmental list, and statement of business, are intended to shew *cases* only, such entries as treasury warrant, dustuks, rain-gauges, must in future be omitted, and the objectionable proceeding of rating as different cases parts of the same general operation or connected proceeding, must be strictly prohibited.

THE RECORD OFFICE.

25*th.*—The rules on this subject are set forth in paragraphs 127 to 141, Directions to Collectors.

26*th.*—A new form of Mouzawar register, Appendix C., is prescribed, in which, as stated above, the order of cases in the departmental list is maintained. It is not necessary to have in this register a separate column for every distinct class of case, as the present form indicates clearly what cognate cases are to be brought under each heading, and as the fly-leaf, and wrapper will, under the directions above given in paragraph 16, shew the description of each file, any case required can be readily taken out.

27*th.*—But all cases in the record office cannot be entered in the mouzawar register, and a separate form of register, Appendix D., is therefore prescribed for cases not relating to mouzas. This is designated the kooleat register. The bundles of such cases should be arranged in racks in a separate quarter of the record office, each description of case being put together and arranged chronologically. It will be convenient to divide this arrangement as far as practicable according to the several tehseels, such as do not admit of being thus arranged, or relating to the district at large, being classed as belonging to the Sudder. There should be one kooleat register for each year, with sub-divisions for the several tehseels, and one for the Sudder.

28*th.*—Periodical statements, accounts and returns of a general character should, as far as possible, be bound or sewn together, while in the special departments of the Moonshee khanah above referred to, in paragraph 20. When these are consigned to the record office, they should be placed in a separate quarter arranged in regular chronological order, a list of them being entered in a book with a page for each.

REGISTERS OF PERMANENT UTILITY.

29*th.*—These are register books in some instances required to be kept up by law, or in others enjoined by authority, or recommended by experienced officers. They embody important and useful information, and save time and trouble of search amongst files consigned to the record office.

30*th.*—Special care should be taken in compilation, to avoid erasures, and to use good paper. Each book should be half bound, to prevent warping; should be of sufficient size, and have space to admit of subsequent authorized entries. Each should be labelled and kept in the press referred to in paragraph 21.

31*st.*—The series is given in Appendix G., to which additions may be made when required.

No. 10.—*To all Revenue Authorities in the North Western Provinces. Dated Agra, the 4th May* 1855.

Prescribing rules for the disposal of useless revenue records.

THE Sudder Board of Revenue, under directions from the Government of these Provinces, prescribe the following rules for the disposal of useless revenue records, for the destruction of which authority may have been given.

2nd.—All such records should, after being duly defaced, be made over to the Jail to which the Magistrate's condemned records are sent.

3rd.—The price of all papers so sent will be paid by the Officer in charge of the Jail at the current market rate for waste paper; and the expenses of sorting and separating the condemned records, may be charged against such receipts.

NOTIFICATION.—*Revenue Department,—Dated Agra, 1st May* 1855.

Prescribing a rule for fixing the full last juma of forest or waste grants.

IT has been brought to the notice of the Government of these Provinces, that in some parts of the country where tracts of forest and waste land are assigned under existing rules, (Appendix XXI., Directions to Collectors,) the maximum rate of juma, according to the prescribed scale, exceeds the average malgoozaree rate, or rate on cultivated and culturable land together, of circumjacent settled villages.

2nd.—The Government has determined that the *kamil,* or full last juma upon these assignments, shall not exceed, or shall only upon special reasons exceed, to an amount to be adjusted with the grantee in each case, the average malgoozaree rate of settlement upon assessed villages in the pergunnah, or other local sub-division adjoining to such grants.

3rd.—The Pergunnah Maps which show village boundaries, and the Settlement Statements No. IV. of area and juma, will enable the Collectors readily to compile a list of circumjacent villages of the pergunnah, within which these tracts are situated, or of the adjoining pergunnahs, where such tracts are situated on the border; and to find the average malgoozaree rate of settlement of the collective settled villages in the vicinity

4th.—In some parts of the country where Tuppah sub-divisions of pergunnahs obtain, the average malgoozaree rate of settled villages in circumjacent Tuppahs being recorded in the Settlement Statements No. IV., the ascertainment of the average malgoozaree rate of settlement of the immediate vicinage will be the more easy.

5th.—Lists should be compiled for future reference and public inspection. Ordinarily forest and waste tracts occupy one part only of a pergunnah; and in such cases one list is sufficient, but where these tracts are scattered, or run continuously through pergunnahs of great extent, separate lists will be necessary for different portions.

6th.—These lists should comprise settled villages within a range of from five to ten miles of the jungle and waste tracts, and may be drawn out in the annexed form.

7th.—In future, when the usual Settlement Statements of lands assigned on clearing leases are submitted, they must be accompanied by a supplementary memorandum of particulars, as shewn in the Exemplar accompanying, to satisfy the Government, that the principle above determined has been duly observed in fixing the assessment.

8th.—The graduated juma will be calculated as hitherto according to the prescribed scale, but ordinarily the kamil juma will be attained when the advancing rate in the prescribed scale has reached to, or is as nearly as possible approximate to, the

average malgoozaree rate on circumjacent assessed villages, as shewn in the lists of villages above referred to, in paragraphs 5 and 6.

9th.—Whenever deviation from this rule is considered necessary, that is, wherever it is deemed proper to demand the full or approximate kamil juma of the scale heretofore declared, though such be in excess of the average malgoozaree rate of the vicinity, special reasons must be stated for the information of Government.

FORM.

District.	Pergunnah.	Name of settled Mouzah circumjacent of jungle tracts.	Rate on Malgoozaree Area form No. 4.	Average Malgoozaree rate.	REMARKS, showing the locality of the waste tracts with reference to which the list is compiled.
1.	2.	3.	4.	5.	6.

N. B.—Where Tuppah sub-divisions obtain the entries in Columns 3 and 4, may be given for Tuppahs.

EXEMPLAR.

This tract is situated in the ——— quarter of Pergunnah ———————, and the average malgoozaree rate of circumjacent assessed villages, on reference to the accompanying list compiled for reference, is found to be ——————— per acre.

As there are no special reasons for demanding a higher rate than the latter, the kamil juma has been reached in the ———— year of the prescribed scale.

Or, if there are special reasons for demanding the kamil juma of the prescribed scale; such for example as the opening out a Canal at the cost of Government, the establishment of new and extensive markets, and the like; these reasons should be fully given.

Or, it may be stated that the average malgoozaree rate on adjacent settled villages being equal to, or in excess of, the rate of kamil juma of the prescribed scale, the latter has been adhered to.

No. 11.—*To all Revenue Authorities.—Dated Agra, the* 18*th May* 1855.

Board, with the approval of Government, prescribe forms of engagement and security bonds for Sudder Treasurers and their sureties.

THE Sudder Board of Revenue, with the approval of the Government of these Provinces, prescribe forms of engagement and security bonds to be subscribed by Sudder Treasurers and their sureties, (A. B. C.)

2*nd.*—The engagement should be taken from all Sudder Treasurers, now, or hereafter appointed to the office.

3*rd.*—The security bonds taken from the Sudder Treasurer, or his sureties, should be drawn out on plain paper, conformably to the Circular Orders of this Board, No. 3, dated 12th June, and No. 5, dated 7th September 1849.

4*th.*—Registration must be made of these bonds under Act XIX. 1843, the fees attendant upon the process being defrayed by the party from whom security is demanded.

5*th.*—Owing to a misconception of the rule in paragraph 205 of the Board's printed Circular No. 4, which requires an annual report to be submitted of the efficiency of the securities of officers, to whose charge public money is entrusted, some officers have adopted the practice of renewing the security bonds annually. Where there has been no mutation of ownership, or sensible depreciation of the property pledged, this proceeding is prohibited.

A.

Engagement of Treasurer.

Whereas I, A. B., have been appointed Sudder Treasurer in the Collectorate for the district of ——————————————. I hereby acknowledge my responsibility for all public monies, notes, deposits, stamp paper, postage labels, and other property of Government, committed to my charge, or to that of agents appointed by me, or on my nomination, whether at the Sudder or Mofussil Offices of the district, and I hereby engage to keep safely, and to render true account of the same, in due conformity to official rules.

I further engage to be responsible for my substitute, appointed with my consent; during my temporary absence at any time. Should any loss or deficiency arise from non-production of accounts, or by any misconduct or negligence of myself, of my temporary substitute, or of agents appointed by me, or on my nomination, as above-mentioned, and whether such loss or deficiency relate to public monies, notes, deposits, stamp paper, postage labels, or other property of Government, committed to the charge of myself, my substitute, or agents, as aforesaid, I hold myself responsible to make good such loss or deficiency myself, or through my sureties, without delay, or any pretext whatever.

B.

Security Bond of Treasurer.

Whereas I, A. B., have been appointed Sudder Treasurer in the Collectorate of Zillah ——————————, and have filed my engagement of this date for the due discharge of the various trusts confided to me. I hereby pledge specially to Government as security for discharge of the obligation the undermentioned property which is at

this time my own, and guarantee not to transfer any part of the same in any way, while this security bond is in force.

Should any loss, or deficiency occur in public monies, deposits, notes, stamp papers, postage labels, or other property of Government, committed to my charge, or from the non-production of accounts, or from the misconduct or negligence of myself, of any temporary substitute appointed with my consent, or of agents appointed by me, or on my nomination, whether at the Sudder or Mofussil Offices of the district, I engage to make the amount good without delay, or pretext, failing which the Collector, for the time being, shall be at liberty to sell all, or a portion of the property herein pledged, for the recovery of the amount.

Should the proceeds of sale not be sufficient to cover such loss or deficiency, then the Collector, for the time being, shall be at liberty to attach and sell any other property I may now have, or may hereafter acquire, and neither on my part, nor on the part of my heirs, in the event of my demise, shall plea of objection be valid.

Specification.

C.

Security Bond of Sureties.

Whereas A. B. has been appointed Treasurer in the Collectorate of Zillah —— and has filed his engagement of this date for the due discharge of the various trusts confided to him, we ———————— of our own free choice, and intelligence, guarantee the honest and faithful administration on the part of the Sudder Treasurer aforesaid, his substitute during any temporary absence, and the subordinate agents appointed by him or on his nomination.

Should any loss or deficiency occur in public monies, deposits, notes, stamp paper, postage labels, or other property of Government, committed to the charge of the Treasurer, from the non-production of accounts, or from the misconduct or negligence of himself, of any temporary substitute appointed with his consent, or of agents appointed by him, or on his nomination, whether at the Sudder or Mofussil Offices of the district, we engage to make good the amount without delay or any pretext, failing which the Collector, for the time being, shall be at liberty to sell all, or a portion of the property herein pledged, for the recovery of the amount.

This property herein specially pledged to Government is at this time our own, and we guarantee not to transfer any portion of it in any way, while this security bond remains in force, and any such transfer shall be void and of no effect.

And if the proceeds of sale of the property herein pledged fail to cover any loss or deficiency above-mentioned, then the Collector, for the time being, shall be at liberty to attach and sell any other property we may now have or may hereafter acquire, and neither on our part, nor on the part of our heirs, in case of our demise, shall any plea of objection be valid.

NOTIFICATION.—*Revenue Department.—Dated Agra, the 1st June* 1855.

THE Sudder Board of Revenue having revised their Circular Order No. 19, dated 22nd December 1854, published in the *Government Gazette*, dated 2nd January 1855, in consequence of certain alterations being deemed necessary, intimate, with the sanction of Government, that the Circular above mentioned is cancelled.

The following revised Circular Order is published for information and guidance of Commissioners, and Revenue Officers in the North Western Provinces.

No. 12.—*Dated Agra, the 1st June* 1855.

The Board, in supersession of previous Circulars, lay down instructions, and prescribe Tabular statements for the annual report of Revenue Administration.

The Sudder Board of Revenue have been in communication with the Government of these Provinces, regarding the reports of Revenue Administration, submitted annually by Collectors and Commissioners, and the following instructions are issued, prescribing the Statements to be appended to those reports, and the mode in which the reports themselves should be drawn up.

2nd.—The Circulars of the Board, enumerated below, may be considered as cancelled by the present orders:—

Paragraph 146, Printed Circular No. IV.

No.	4, dated 15th March	1842.
	H., dated 5th May	1843.
	C., dated 12th May	1846.
	M., dated 30th May	1847.
No.	17, dated 26th September	1848.
	G., dated 23rd October	1849.
No.	1, dated 28th March	1851.
No.	11, dated 28th November	1851.
	K., dated 23rd July	1852.
	L., dated 17th March	1854.

And so much of the Circular Orders noted below, as relates to the annual reports of Revenue Administration, is also superseded:—

No. 4, dated 10th August 1852, paragraph 9. B., dated 23rd June 1854, paragraph 5, (Customs.)

No. 6, dated 19th September 1854, paragraph 6.

3rd.—The following Statements, and no others, should be furnished by the Collectors of Districts.

4th.—No. 1 A., Statement of demands, collections, and balances of land revenue. The only change required in the present form (No. 71 of sanctioned register,) is the addition of a column at the end for "per-centage of balance on demand." This statement will supply materials for Appendix I. A. of the Board's report to Government.

5th.—No. I. B., Statement of dustuks issued, and of tulubanah realized and disbursed. To this form (also included in No. 71,) will be added a column, shewing the number of muhals, or groups of muhals in the malgoozaree register; that is, the number of entries in that register for which separate dustuks are issued. This edition is required, to enable the Board to compare the number of dustuks issued in different districts, as that number must in a great measure depend on the number of muhals or groups of muhals in each. The revised form will be as shewn below:—

Year.	Number of muhals, or groups of muhals.	Number of dustuks issued.	Amount of tulubanah realized.	Disbursements.	Surplus credited to Government.
1.	2.	3.	4.	5.	6.

6th.—No. 2, Statement of estates sold, farmed, transferred, and made kham, for the recovery of arrears of revenue.

This return (also part of No. 71) is plainly intended to shew the extent to which the graver coercive processes have been resorted to, within the year under report, for the realization of arrears of revenue. Under the head of "estates made kham," those only should be entered, which were sequestered for arrears of revenue within the year, to the exclusion of estates placed under direct management in previous years, or for other causes. The entries being thus limited, a heading for "receipts" will no longer be required, and under "balance" will be entered those balances only, for which the settlement was annulled, and the estate made kham. The revised form will be as shewn below:—

	Sales.			Farms.			Transfers.					Sequestration.		
Year.	Number of estates sold.	Juma.	Balance.	Number of estates let in farm.	Juma.	Balance.	Number of estates in which puttees have been transferred to solvent puttee-dars, or farmed to strangers.	Juma.	Number of puttees transferred or farmed.	Juma of puttees.	Balance of puttees.	Number of estates made kham.	Juma.	Balance.
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.	14.	15.

From this return Appendix II. of the Board's report will be made out.

7th.—No. 3 A., Statement of summary suits instituted and disposed of.

No change will be made in the form of this return, (also included in No. 71;) but as an additional statement regarding summary suits is required, it will be numbered 3 A., instead of 3, and form Appendix III. A. of the Board's report.

8th.—No. 3 B., Statement of summary suits appealed to the Collector.

This is the additional summary suit return which should be furnished for each district, in the following form:—

	Instituted.				Decided.				Adjusted or withdrawn.			
Year.	Suits for rent, revenue, or replevin.	Exaction.	Ouster.	Total.	Suits for rent, revenue, or replevin.	Exaction.	Ouster.	Total.	Suits for rent, revenue, or replevin.	Exaction.	Ouster.	Total.
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.

From this return a new Appendix III. B. will be compiled, and submitted to Government with the Board's report.

9th.—No. 4, Statement of proprietary mutations, registered under orders of Court, or by private transfers consequent on sale, mortgage, inheritance, &c.

This form has been altered, to shew both malgoozaree and proprietary mutations in the Collectorate and village registers. The rules for the former are contained in paragraphs 185 to 200, and for the latter in paragraphs 229, 230 of "Directions to Collectors." The revised form is shewn below, and from it Appendix IV. of the Board's report will be prepared:—

Year.	Under order of Court.				By private transfer.				
	Sale.		Number of other cases.	Total number of cases.	*Sale.*		Succession number of cases.	Mortgage, &c., number of cases.	Total number of cases.
	Number of cases.	Amount.			Number of cases.	Amount.			
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.
18— 18—			Malgoozaree mutations.						
18— 18—			Proprietary mutations.						

10th.—No. 5, Statement of complete divisions finished and confirmed within the year.

In this return, (included in No. 71,) imperfect partitions, not involving the establishment of new muhals, have hitherto been entered, but for the future complete divisions only, causing entire severance of interests, will be shewn; those made on the petitions of parties, being distinguished from those effected under the orders of the Civil Court. The statement which should include such complete divisions only, as have been finished and confirmed by the Commissioner within the year, will be prepared in the annexed form:

Year.	Number of Cases.		Total.	Remarks.
	By order of the Civil Court.	By petition of parties.		
1.	2.	3.	4.	5.

This will form Appendix V. of this office.

11*th.*—The Board do not require any tabular statement of imperfect partitions, but the extent to which recourse is had to that process may be noticed in the body of the report of each district, with such remarks as the Collector may desire to offer.

12*th.*—No. 6, Statement of lapses, or resumptions of maaffee tenures.

No change will be made in this form, which is included in No. 71 of the sanctioned list. Appendix VI. of the Board's report will be compiled from this statement.

13*th.*—No. 7, Statement of settlements made, of lapsed or resumed muhals.

To this return, (also part of No. 71,) additional columns are required, to shew the progress made in settling and reporting the lapsed or resumed tenures, and to bring to the notice of the Board and Government instances of great delay. The revised form will be as shewn below:—

Year.	Lapses.						Resumptions.					
	Number of cases.	Area in acres.	Juma.	Number of cases unsettled at the end of the year.	Number of cases settled, but unreported at the end of the year.	Date of oldest case settled, but not reported.	Number of cases.	Area in acres.	Juma.	Number of cases unsettled at the close of the year.	Number of cases settled, but unreported at the close of the year.	Date of the oldest case settled, but not reported.
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.

In columns 7 and 13, the dates of the oldest cases respectively of lapsed and resumed tenures settled, but not reported at the close of the year, will be entered. From this statement the Board's Appendix VII. will be compiled.

14*th.*—No. 8, Statement of Canoongoes' and Putwarees' records.

No change in this form is required. The statement affords materials for Appendix VIII. of the Board's report.

15*th.*—No. 9 A., Statement of demand, receipts, and balances of Abkaree revenue, including opium, &c.

This form has been altered, to shew the several articles comprised in this branch of revenue. In filling up the columns for demand, receipts, and balances, respectively, the following instructions should be attended to. Under demand should be entered—

(1). Amount of the contract of the year for spirituous liquors.

(2). Amount of the contract of the year for taurec.

(3). Ditto ditto for muskirat, or drugs.

(4). Ditto ditto for opium. (Omitting all balances demandable on account of previous years.)

(5). Amount sale price of opium sold to the Government farmer.

(6). Ditto ditto of articles confiscated.

(7). Amount of casual licenses for the sale of European liquors.

The column of receipt should shew all collections on account of contracts as above, and all the other items entered under demand.

Under balances should be inserted the balances on the contracts above given. The other items cancel each other.

The revised form will be as shewn below:—

Articles.	Year.	Demand.	Receipt.	Balances.	Particulars of Balance.			
					Since realized.	In train of liquidation.	Doubtful.	Irrecoverable.
1.	2.	3.	4.	5.	6.	7.	8.	9.
Abkaree, ...	18 18							
Taurec, ...	18 18							
Muskirat, ...	18 18							
Opium, ...	18 18							
Confiscation, ...	18 18							
Casual licenses, ...	18 18							
Total, ...	18 18							

16*th.*—When the abkaree, taurec, muskirat and opium muhals, or any of them, is separately managed in a Military Cantonment, the officer in charge should submit to the Commissioner of the Division an annual return, in the same form as is above prescribed, for the Collectors of districts. The return should be forwarded to the Board, with the Revenue Administration Report of the Division, and the Cantonment will find a separate entry next to the district in which it is situated in Appendix IX. A. of the Board's report to Government.

17*th.*—No. 9 B., Statement of Stamp receipts and charges. The number of columns, (in this form included in No. 71,) will be reduced, and the revised form will be as given below:

Year.	Amount sales.	Disbursements.			Amount credited to Government.
		Charges.	Value of Stamp refunded.	Total.	
1.	2.	3.	4.	5.	6.

In column 2, under amount sales, should be inserted the following items :—

(1). Sale price of stamp paper.

(2). Amount of realized Government dues on account of stamp paper in pauper suits.

(3). Fines on inadequately stamped or unstamped documents.

(4). Sale proceeds of boxes, tin cases, &c., in which stamp paper is received, and other miscellaneous items.

In columns 3 and 4 should be entered.

(1). Commission or costs of establishment authorized by Government.

(2). Costs of carriage of stamps.

(3). Value of stamps refunded. But all notice of stamps supplied on indent to other districts should be excluded.

18*th.*—It will be observed that the quantity and value of stamps received from the Superintendent of Stamps, will no longer be shewn. All that the Board desire to gather from this table, and to record in Appendix IX. B. of their report to Government, are the total receipts and charges of this branch of the Revenue in each district.

19*th.*—No. 9 C., Statement of miscellaneous Sayer revenue.

This is a new return, and was called for in the Board's Circular Order (Customs) B., dated 23rd June 1854. It should be submitted in the subjoined form :—

Year.	Name of article.	Demand.	Gross collections.	Charges.	Net collections.
1.	2.	3.	4.	5.	6.

Instructions regarding the nature of the articles which should find entry in this statement are given in the Circular quoted. It should shew those articles only of miscellaneous Sayer revenue, which yield an annual income, year after year. From this statement, Appendix IX. C. of the Board's report will be compiled.

20*th.*—No. 10. Table of the average prices of agricultural produce.

This return (part of No. 71), need no longer be submitted.

21*st.*—No. 11 A. Result of sales, public and private.

This return also should be discontinued.

But the subjoined extract, paragraph 8, from the orders of Government, No. 4612, dated 25th November 1854, will have the attention of the Collectors of districts.

"His Honor concurs with the Board in considering that the elements from which this statement is prepared do not admit of that fairly approximate accuracy, which is necessary, in order to render the details of any statistical value. The subject is however one of very high interest, and the Lieutenant-Governor thinks that the Board, while

directing the discontinuance of the statement as a prescribed return, might yet with much advantage desire attention to the importance of securing trustworthy data as to the market value of land, and invite such of the Collectors, as may find opportunity and materials for the enquiry, to place on record, in their yearly reports, the result of any researches, which may appear to them fairly reliable on the subject."

22nd.—In addition to the Tabular statements above-mentioned, from which the Appendices of the Board's report to Government (I. A., I. B., II., III. A., III. B., IV. to VIII., IX. A., IX. B., IX. C.,) will be compiled, the Board require two other statements to be furnished for each district for their information, although no Appendices will be prepared from them, for publication with the printed report. These are given below.

23rd.—Statement of business instituted, disposed of, and pending.

This statement will not, for the future, be prepared in the form (No. 5 of sanctioned register) prescribed in paragraph 73 and Appendix IX. of the printed Circular No. III., but in the form subjoined:—

Department of Collector's duty.	Record Office number.	Classified Register number.	Description of cases.	Pending at the close of the past year.	Instituted during the year.	Total.	Disposed of.				Pending at the close of the year.	Date of oldest case.	Remarks.
							On Trial.	Adjusted or withdrawn.	Struck off on default.	Total.			
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.	14.

The form is the same with Appendix B. of the Board's Circular No. 9, dated 4th May 1855.

24th.—Memorandum of deposits at the close of the year.

No form was prescribed in the Board's Circular No. 11, dated 28th November 1851, which called for a memorandum of deposits to be furnished with the annual report of each district. The information will, for the future, be submitted in the form annexed:—

Amount at the close of 1852-53.	Adjusted in 1853-54.	Remaining at the close of 1853-54.	Amount deposited in 1853-54, and in deposit at its close.	Total at the close of 1853-54.	Number of items.		Dates of oldest items.	
					Close of 1852-53.	Close of 1853-54.	Close of 1852-53.	Close of 1853-54.
1.	2.	3.	4.	5.	6.	7.	8.	9.

It is scarcely necessary to observe that columns 1, 2, 3, 6, and 8, refer to items placed in deposit before the commencement of the year under report, but to avoid misconception, the years have been given above, as they would appear in the report for 1853-54.

25*th.*—No other Tabular statements than those above-mentioned, should be submitted by Collectors of districts with their annual reports. The returns of Road fund collections, balances and disbursements prescribed by paragraph 146 of printed Circular No. IV., and of Road fund and tulubanah balances, prescribed by Circular K., dated 23rd July 1852, are no longer required, and these instructions may be considered as cancelled by these orders.

26*th.*—Commissioners of Divisions, in submitting the report of the Collectors subordinate to them, will furnish two divisional statements, which should be compiled in their own office. These are—

27*th.*—No. 3 C., Statement of summary suits appealed to the Commissioner.

This return will be compiled in the annexed form; from it will be prepared Appendix III. C. of the Board's report to Government:—

District.	Instituted.				Decided.				Adjusted or withdrawn.			
	Suits for rent, revenue, or replevin.	Exaction.	Ouster.	Total.	Suits for rent, revenue, or replevin.	Exaction.	Ouster.	Total.	Suits for rent, revenue, or replevin.	Exaction.	Ouster.	Total.
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.

28*th.*—No. 10. Statistical precis.

This statement, hitherto No. 12, should be compiled in the divisional office in the subjoined form:—

District.	Area in square British statute miles of 640 acres.	Population.	Number of pergunnahs.	Number of muhals.	Disposition of business in Collector's office.								Number of Letters.		Annual expense of collecting revenue, exclusive of heads of offices, Covenanted and Uncovenanted Sudder Establishment.	Per-centage on revenue.
					Number of cases pending at the close of the last year.	Instituted during the year.	Total.	Disposed of.				Pending at the close of the year.	From Collector to Commissioner.	To Collector from Commissioner.		
								On trial.	Adjusted or withdrawn.	On default.	Total.					
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.	14.	15.	16.	17.

The entries for all these columns can be obtained from the statements above prescribed, except as regards columns 2, 3, 4, and 5, and a memorandum of the entries in these columns, with an explanation of the variations as compared with those of the preceding year, should be supplied with the report of each district. Especial care should be taken to give correctly the number of muhals, as affected by complete divisions and transfers to and from other districts. The number of muhals will usually agree with the number of estates in the Tabular return No. 8, Putwarees' papers.

See Paragraph 14.

29*th*.—No other returns need be furnished by the Commissioners of Divisions. Statement No. 11 B. of public and private sales is no longer required.

30*th*.—For facility of reference the report of each district, and of each division should be arranged under the following headings :—

(1).—Seasions and fall of rain.
(2).—Balances of land revenue.
(3).—Ordinary duress, or dustuks.
(4).—Coercive processes, including sequestrations for arrears of revenue within the year.
(5).—Summary suits.
(6).—Proprietary mutations.
(7).—Complete divisions.
(8).—Lapses and resumptions of maafee tenures.
(9).—Settlements of the above.
(10).—Putwarees' papers.
(11).—Abkaree muhal.
(12).—Stamps.
(13).—Miscellaneous sayer revenue.
(14).—Disposal and distribution of business.
(15).—Deposits.
(16).—Instruction of putwarees.
(17).—Conduct of subordinates, Covenanted and Uncovenanted.
(18).—General remarks.

These heads, from Nos. 2 to 15, correspond with the Tabular statements required from each district, and the subjects, as well as those arranged under Nos. 1, 16 and 27, should be briefly noticed, and remarks of a general nature confined to the last heading; and with regard to them the rule laid down in Government Order, No. 4764, dated 22nd December 1853, promulgated under cover of the Board's Circular L., dated 17th March following, should be observed. That rule directs that suggestions for the improvement of the existing system should be briefly noted in the annual report, but that detailed proposals, and explanatory tabular statements, should be reserved for separate communications.

31*st*.—Under heading No. 14, the Collector should explain the mode in which he has distributed the fiscal duties among his subordinates, and state clearly whether the Circular Orders of Government, No. 745, dated 25th May 1854, which enjoin a territorial division of work, have been attended to.

32*nd*.—Commissioners in their divisional report, will adopt the same arrangement of headings, and as regards headings Nos. 2 to 13, should give in the margin comparative tabular returns for the several districts together, so as to shew at a glance the exact condition of each department throughout the division. For example, the remarks under heading No. 2 may be illustrated by a comparative table, in the following form :—

Districts.	Balances of land revenue.		Increase.	Decrease.
	18	18		

33*rd.*—No meteorogical statements need be submitted with the annual reports, as the meteorogical Appendices I., II. and III. of the Board's report to Government are compiled from the monthly returns, and will for the future be considerably simplified. But in illustration of heading No. 2, a marginal memorandum, as under, may be given in the divisional report.

Districts.	Total fall of rain.	
	18	18

34*th.*—The Board have given instructions for the revision of the printed forms which have been altered, and for the addition of the new ones required, and printed forms will be available for the statements noted in the margin*, and in order to lighten the work in the English offices, the Board request that none other but printed forms be used in the annual reports.

*Collectorate. No. I. A., I. B., 2, 3 A., 3 B., 4 to 8, 9 A., 9 B., 9 C. Disposal of business No. 5, Memorandum of deposits. Divisional 3 C. 10.

35*th.*—The delay which has more than once occurred in the submission of the Board's report, has been noticed by Government. That delay has been mainly owing to the very late dates at which some divisional reports have reached their office. Their Circular No. 4, dated 15th March 1842, fixes 15th August as the latest date for the submission of the annual reports of the preceding official year, and this affords ample time for the Collectors to submit the necessary statements, and to revise them once, if their return for that purpose from the divisional office is found necessary.

36*th.*—The Collectorate reports should reach the divisional offices by the 30th June at latest, and they can easily be got ready by that date, if registers, corresponding with the several tabular statements, are carefully kept up, as far as possible, throughout the year, and totalled and inspected monthly, instead of leaving the statements to be compiled *ab initio* at its close. Commissioners should satisfy themselves that such registers are maintained for those tabular statements which admit of them.

37*th.*—The reports for 1854 and 1855 should be prepared and submitted according to these instructions.

Notification.—*Revenue Department,—Dated Agra, the* 1*st June* 1855.

Regarding the summary adjudication of suits for non-delivery of receipts for rent.

The Sudder Board of Revenue notify for public information, that the Government of these provinces by an order No. 790 A., dated 18th April 1855, " is pleased to vest all Collectors, and officers exercising " the powers of Collectors, in the districts subject to them, with " authority under Section 20, Regulation VII. 1822, to receive, " try, and determine by summary process, complaints brought by under-tenants of any " class for the non-delivery of receipts for payments of rents."

2*nd.*—The officers intrusted with the adjudication of such suits are required to insert the number of the Section and Regulation, and the date of the order of Government above quoted, in the awards.

3*rd.*—These cases will be included in the prescribed statements of summary suits, under the heading of " Exaction."

No. 13.—*To all Revenue Authorities, (Saugor and Kumaon excepted.)*

Dated Agra, the 8th June 1855.

Prescribing rules for remuneration, on account of recovery of Stamp duty in Pauper suits, or Government dues under decree of Court.

THE attention of all Collectors is required to the Circular Order of the Sudder Dewanee Adawlut of these provinces, issued with the sanction of Government, and dated 4th September 1840, No. 1701, on the subject of fees payable to Government Vukeels.

2nd.—To this rule reference is made in paragraph 125 of "Directions to Collectors."

3rd.—With the sanction of Government, remuneration on account of recoveries of Stamp dues in pauper suits, and of realizations under decrees or orders of Court in favor of Government, has also been fixed at 10 per cent. on the amount realized after defraying costs of process.

4th.—This per-centage will be distributed, at the discretion of the Collectors, between the Government Vukeels, and the Tehseeldars or other Official Agency employed in the discovery of assets available in execution, in such proportions as may be deemed equitable; but where the per-centage shall exceed Rs. 1,000, in any one case, reference shall previously be made to the Sudder Board of Revenue.

5th.—The practice which has obtained in some districts of assigning a per-centage to informers on recoveries of Stamp dues, or other realizations under decrees or orders of Courts, is prohibited.

No. 14.—*To all Revenue Authorities.—Dated Agra, the 19th June* 1855.

The Board, with the sanction of Government, prescribe rules regarding the attainments and encouragement of partition Ameens.

Regulation XIX. 1814, Section 12.

THE Sudder Board of Revenue, with the sanction of the Government of these provinces, require the attention of all Revenue authorities to the following rules respecting Ameens employed in partition of landed properties.

2nd.—Ameens of partition are required by law to be creditable persons, and must be duly qualified for the duty intrusted to them.

3rd.—Besides having the ordinary attainments of native officials admitted to the public service, they must be familiar with the Nagree character, the usual village accounts, and native method of measurement. They must also be proficient in the system of survey with plane table and compass.

4th.—None but registered Ameens should be employed, and none but those, whose qualifications, above described, have been tested, should be registered.

5th.—The number retained in the register should be limited according to the ordinary extent of such operations in each district, so as to provide, as far as practicable, for their continuous employment; which will prevent much of the delay, arising from Ameens employed having no assurance of readily obtaining another commission, when the work in hand shall have been completed.

6th.—The efficiency of this class will also be promoted by the prospect of obtaining the advantages of fixed appointments. They are put in the way of gaining much practical knowledge, have often to contend with difficulties, and to encounter toil and exposure. It is therefore desirable, as a stimulus to exertion and good conduct, that the most efficient Ameens should be preferentially selected for vacant posts in the fixed establishments.

CIRCULAR S.—*To the Commissioner of*————.

Dated Agra, the 24th July 1855.

Calling for half-yearly account-sales of Nuzool property.

THE Government having called for half-yearly returns of all Nuzool property of which sale has been sanctioned during that period, noting the upset price and amount realized on sale of each patch, you are requested to indicate the same in columns 6 and 7 of the annexed tabular statement, from 1st January to 30th June 1855, by reference, if necessary, to the Collectors of the Zillahs within which the patches are severally situated, and to submit a similar return at the end of every subsequent half-year.

Number.	Pergunah.	Mouzah.	Description of land or building.	Government order.	Upset price.	Price realized.	REMARKS.
1.	2.	3.	4.	5.	6.	7.	8.

No. 15.—*To all Revenue Authorities, North Western Provinces.*
Dated Agra, the 14th September 1855.

Distribution of business between heads of offices and subordinates.

UNDER instructions from Government, the Sudder Board of Revenue for these provinces, require the special attention of all Collectors, and Revenue Officers in charge of districts, to the annexed extract of the orders of Government No. 921 A., dated 2nd May last, to the address of the Officiating Commissioner of the Meerut Division, relative to the principles to be observed in the distribution of business, between heads of offices and subordinates.

ANNEXURE.

Extract, paragraphs 2 to 7, of Orders, No. 921 A., dated 2nd May 1855, from Secretary to Government, North Western Provinces, to Officiating Commissioner of Meerut Division.

Paragraph 2nd.—The Lieutenant-Governor, in reply, desires me to remark that, in the division of business, the principle to be observed is that, as far as the subordinate officers are fit to be entrusted with such powers, they should have the full opportunity of acquiring experience in all the fixed and usual branches of administration.

3rd.—The systematic reservation by a Collector of any portions of the permanent work of his office, the Lieutenant-Governor would therefore, treat only as exceptional, until the officers in charge of sub-divisions have given proof of the general knowledge, and of the prompt and accurate habits of business, which are necessary to their being employed in the discharge of all descriptions of duty.

4th.—Of course, as is mentioned by you to be the practice of the Collector of Meerut, in the application of the above principle, the Collector would keep himself regularly informed of the course of procedure in all points, on the part of the officers under him, and would require them to refer to him before acting in any matter of difficulty.

5th.—The rule now explained would not apply to special or occasional duties, such as the re-settlement of a district, the introduction of hulkahbundee arrangements, which includes an entire revision of the putwaree establishments, or any other peculiar and extensive administrative measures.

6th.—The whole charge of these last-mentioned kinds of duties might appropriately be kept by the Collector in his own hands, or committed to a single subordinate officer, as he should see fit.

7th.—Where a district is much disorganized, and the personal control by the Collector of the course of current collections in every tehseel division is necessary to enable him to judge promptly when to show a fair indulgence, and when to apply a suitable measure of coercion, an exception may also be rightly admitted to the enforcement of the general principle. All such cases should however be made matter of special report for the information of the Commissioner. And so also, as the occasion may arise in regard to any other particular branch of the administration.

No. 16.—*To all Revenue Authorities in the North Western Provinces. Dated Agra, the 28th September* 1855.

The Sudder Board issue rules for proceedings to be held by officers in charge of districts preliminary to the institution of butwarahs.

It being found desirable to lay down a clear and uniform rule as to the course to be followed, under the direct responsibility of the Collectors of Districts, before the institution of butwarah proceedings, so that the grounds and objects of such proceedings may be, in all cases, defined with the requisite accuracy and precision, the Board, with the sanction of the Government, are pleased to promulgate the following rules for general direction.

I.—In every application for a butwarah under the Regulations, the Collector of the District, before making over the case to any of his subordinate officers, will hold a proceeding, in which shall be detailed the tenure of the village, with full particulars of the extent to which the lands belonging to it are held in severalty or in common. This proceeding will be founded upon an examination of the latest village papers, and on enquiries instituted through the local Tuhseeldar, or otherwise, as may be judged necessary by the Collector, for the satisfactory ascertainment and record of the facts.

II.—The Collector will then distinctly declare the principle upon which the partition is to be proceeded with,—what portion of the village lands, or what members of the proprietary body, are to be affected by it,—what new muhals are to be created, and the degree in which alone separate possession is to be interfered with, or inequalities of holdings adjusted from the common land.

III.—Collectors are prohibited from sanctioning the appointment of an Ameen, or making over the superintendence of the butwarah to any of their Deputy Collectors or Assistants, until the above investigation has been made, and the proceeding, shewing its results, has been filed as the necessary preliminary record in the case.

No. 17.—*To all Revenue Authorities in the North Western Provinces. Dated Agra, the 5th October* 1855.

Board prohibit the use, for Survey purposes, of kiblah-noomahs, and order periodical examinations of Survey implements.

The Sudder Board of Revenue, under the orders of Government, direct attention to the following rules regarding the use of kiblah-noomahs, and periodical examination of survey apparatus.

2nd.—As proper compasses are readily procurable, the use of the kiblah-noomah, for surveying purposes, must be wholly discontinued, wherever it may still obtain. English mariner's compasses were furnished by the Board to all districts in October and December last, and a further supply can be sent where necessary.

3rd.—Before the commencement of each working season, the Tuhseeldars should be required to report on the state of the Survey instruments at each Tuhseelee; and the Collector, or his subordinates, on visiting the district, should take every opportunity of examining the sets of apparatus, and trying the jureebs in use by the standard kept solely for purposes of testing.

CIRCULAR Y.—*To the Commissioner of*————.—*Dated Agra, the 6th November* 1855.

Board call for reports of properties under direct management; with rules for their preparation.

WITH reference to the Board's Circular I. I., dated 29th August 1854, Acts and Orders, page 168, the Sudder Board of Revenue desire that you will instruct the Collectors of your Division to submit the Juma Wasil Bakee of properties under direct management, by orders in the Revenue Department, for 1262 Fuslee, in the prescribed form, with the least practicable delay.

2nd.—This return should not include properties under attachment, by orders of the Civil Criminal Courts, respecting which the rule is laid down in the Board's Circulars No. 3, dated 15th June, and No. 5, dated 5th October 1852, nor will it include trust holdings, for which a separate order and form of return will issue.

3rd.—As the classification of estates directed to be adhered to in the Board's Circular above quoted was generally omitted in the returns for 1261, the Collectors will be required to insert in the return now called for, each under its appropriate heading, which should be written across the statement, and in this order.

1st.—*Attachments.*—These will include estates attached in default of engagement, or for default of revenue, provided such attachments have been kept on to the close of the year.

2nd.—*Sequestrations.*—These will be estates made kham tuhseel for arrears of revenue for specific terms.

3rd.—*State Properties.*—These will be estates acquired by Government at auction sale, or otherwise.

4th.—As some extensive tracts under direct management are subject of special report to Government, the details of such need not be exhibited in this annual return. It will be sufficient to give the aggregate results.

5th.—In the column of charges, if details are numerous, the aggregate amount should be shewn under general heads; such as management, rural police, &c., the details being shewn in a separate memorandum.

6th.—In the column of nett collections, the amount of juma for the khureef of 1854-55, and rubbee of 1855-56 should separately be shewn, and the amount, if any, credited to the balances of former years, the year or years being specified.

7th.—In the column of remarks should always be entered the year from which the management has been assumed, and in cases of kham tuhseel the date of authority sanctioning, and the term declared, the amount and proposed disposal of surplus which may remain after satisfying the claims of Government, and explanation regarding the rent balances in column 10 of the proportion deemed recoverable, or unrealizable. Note also should be entered of any properties released during the year or proposed for release from the ensuing year.

8th.—The Board expect to receive these returns from all districts by the 30th November.

No. 18.—*To all Revenue Authorities in the North Western Provinces.*
Dated Agra, the 16th November 1855.

Board prescribe rule for computing the Jumma, Road Fund and other cesses, under paragraph 42 of the Suharunpoor Settlement instructions.

DOUBTS having been entertained respecting the mode of computing the Road Fund and other cesses, adverted to in paragraph 42 of the Suharunpoor Settlement instructions, the following exemplar, which has been submitted to, and approved by Government, as most in accordance with the intent of the rule above-mentioned, is circulated for the information and guidance of all Settlement Officers:—

EXEMPLAR.

Rental assets, -- -- -- -- -- -- -- -- -- -- --				Rs. 1,000	0 0

DEDUCT.

Road Fund, 1 per cent. of the moiety, (Rs. 500,) -- --	5	0	0		
School Fund, 1 per cent., -- -- -- -- -- -- --	5	0	0		
District Dâk, ¼ per cent., -- -- -- -- -- -- --	1	4	0		
	11	4	0		
Chowkeedar, per annum, -- -- -- -- -- -- --	36	0	0		
				47	4 0
				Rs. 952	12 0

Jumma, (953 ÷ 2) = 476 0 0 *(Fractions of a rupee being omitted from jumas.)*

ADD—

Road Fund,	5	0	0			
School Fund,	5	0	0			
District Dâk,	1	4	0			
Chowkeedar,	36	0	0			
				47	4	0
Total demand, Rs.				523	4	0

No. 19.—*To all Revenue Authorities in the North Western Provinces.*

Dated Agra, the 30th November 1855.

Supplemental memo. of cultivating arrangements to be furnished in certain cases, after rendering the annual jummabundee.

THE Sudder Board of Revenue direct the attention of all District Officers to the following rules approved by Government regarding supplemental memos. of cultivating arrangements made for the season following any year in which putwarees' papers are filed.

2nd.—Paragraph 5 of the Board's Circular Order A. A., dated 16th December 1853, requires the addition of a note in the last column of the annual jummabundee, showing the disposal of holdings for the ensuing agricultural year.

3rd.—But in certain cases it is impossible, on account of arrangements not having been made for some lands, to give this information uniformly by the month of September, in which yearly papers should be rendered. The rendition of village papers should not be delayed on that account, as a list of changes of occupancy, which could not, for the reason above stated, be entered in the last column of the jummabundee, can be given in a supplement, to be rendered after all arrangements for the cultivation of the season have been completed.

4th.—The rules on the above subject, contained in the following extract from paragraphs 3 and 4, of orders of Government No. 1613 A., dated 28th July 1855, should be carefully observed and followed.

Paragraph 3rd.—" This would be admissible only in the case of fields or tracts, of which it might not be ascertainable whether or not they would be brought under cultivation during the next season, until some time after the cessation of the periodical rains; and in such special cases it might be required separate from, and later than, the ordinary village accounts. The date on which the supplementary paper should be given in might be specially fixed, in each case, with reference to the circumstances of the locality, any time between the end of October and December."

4th.—" The exception would of course be strictly confined to such fields or tracts only as are actually not cultivated, or engaged for cultivation by the month of September. All other lands, even in villages of which some part of the area may be unfit at that time for cultivation, will be treated according to the prescribed rules, the changes of occupancy, so far as determined, being entered in the regular jummabundee.

No. 20.—*To all Revenue Authorities in the North Western Provinces.*

Dated Agra, the 30th November 1855.

The Board, with the approval of Government, prescribe rules for the arrangement of English records, in divisional and district offices.

THE Sudder Board of Revenue, North Western Provinces, having had under consideration the various systems of record in the English Offices subordinate to them as shewn in the returns to their Circular J. of 1854, are pleased, with the concurrence of the Hon'ble the Lieutenant-Governor, to prescribe the following rules, which are to be uniformly and carefully followed in the offices both of Commissioners and of Collectors of Revenue.

2nd.—The ground-work of the prescribed system is, that the main arrangement of the correspondence shall be chronological, with a clear subordinate separation of subjects. There will be a bundle for the correspondence of every month. Where the number of letters is very large, it will be optional to divide them into two monthly bundles, one for files of correspondence regarding particular mehals, and one for miscellaneous or general subjects, not referable to particular mehals. All letters received, or dispatched, in the month, will be placed in one or other of the bundles belonging to it, under the following rules.

3rd.—The letters relating to a single transaction or subject will always be kept together, and will form a separate file. Such file will invariably be put with the Mehalwar, or the miscellaneous, bundle of the month, to which the *last* letter of office record in the series belongs.

4th.—Whenever the correspondence regarding a transaction or distinct subject may be renewed, the previous file will be brought out in connection with the fresh correspondence, and the whole will then be placed in the bundle of the month in which this correspondence is disposed of.

5th.—The above principle is common to the rules, both for Commissioners' and Collectors' offices. In order to carry it fully into effect, Commissioners and Collectors will be careful always to write separate letters upon separate subjects, or in reference to distinct mehals. Where the correspondence may unavoidably touch upon several subjects or estates, it will sometimes be necessary to make copies or extracts to be filed with the bundles for each subject or mehal.

Rules for Commissioners' Offices.

I.—A daily despatch book of all letters and statements sent, and another of all letters and Circulars received, will be kept in every office by a clerk, especially selected for the duty. Letters received will be made over to him immediately after being opened by the head of the office, and after entry in the receipt book will be handed to the record-keeper, for entry in the several Indices hereinafter described. In the same manner, letters for despatch, after being entered in the Indices, will be made over by the record-keeper to the same clerk for entry in the daily despatch book.

II.—Separate Indices will be kept by the record-keeper of correspondence with Government, the Sudder Board, and the several zillahs of the Division, in the form noted in the Appendix II. of the printed Circular of Sudder Board No. 3, in which every letter received and sent will be entered by date, number and subject, and in the last column will be subsequently entered the date of the reply received or sent to it.

III.—A similar index will be kept of all miscellaneous correspondence with other offices than the above, also a separate index of all Circulars, calling for replies, in the last column of which will be entered the dates of despatch to the several zillahs, of the receipt of the Collectors' replies, and also of their submission by a divisional report to the Sudder Board or Government. Circulars laying down rules of practice should be kept together, distinct from other Circulars, but one index will do for the whole.

IV.—Should any matter, in the miscellaneous or circular index, become the subject of special correspondence with the Board or any Collector, a note to that effect will be entered in the final column of the miscellaneous or circular index, stating the date of the reference, and the functionary to whom made, and it will be entered in the index of correspondence with the Board or zillah on the same date, and so continued until the matter is disposed of.

V.—Similarly a note in the final column of any zillah or miscellaneous index will indicate the transfer of any subject to the Board and *vice versâ*, if correspondence on the subject is again resumed with any zillah.

VI.—The entry in the final column of every index is intended to supply a connecting link to the entire chain of correspondence on any subject, and the zillah indices can be transcribed for quarterly submission to the Board.

VII.—Files of correspondence under reference will be kept by the Head Clerk in an almirah, containing separate shelves or partitions for "miscellaneous," the Government, the Sudder Board, and the several zillahs, those for the two last-mentioned being sub-divided as per margin*.

*1. Settlement
2. Land Revenue.
3. Summary suits and Putwarees.
4. Registration.
5. Civil Courts.
6. Excise.
7. Accounts.
8. Miscellaneous.

VIII.—When the correspondence on any subject ceases, all letters on the file relating to it, will be deposited in bundles, on shelves separately appropriated to correspondence which has passed during the month, with either the Government or the Board, or with each of the several zillahs, or, in regard to miscellaneous subjects.

IX.—A fly-index will be prepared for every monthly bundle, noting briefly the subject, the mouzah, if it admits of local distinction the number of letters in every file of correspondence contained in it, and the date of final disposal. This fly-index will have a blank column for subsequently inserting the date on which any file may be eventually withdrawn for casual reference, or in consequence of the correspondence on the same transaction being renewed.

X.—A file withdrawn for casual reference will be replaced when done with, the date of replacement being noted below that of withdrawal, but if the correspondence on the same transaction is renewed, the file will be retained with that of the renewed correspondence, and the chain connected by a note of date of such renewal in the final

column of the index in which it was last-mentioned, and so on in succession until the entire file may be deposited in the monthly bundle of the latest month of disposal or record.

XI.—When the correspondence is finally closed, the date of the last letter in the series will, to facilitate search, be also entered opposite *to each letter* in the final column of the index. And if the subject be subsequently renewed, the date of the letter eventually again closing, will be repeated thus:—

No. and Date.	*From or To*	*Subject.*	*Date of Reply.*
116, February 4th,	From Collector.	Soliciting sanction to the sale of	20th February 1855, closed 1st May 1855. Renewed and closed 8th January 1856.

XII.—Separate general registers of correspondence with Government, the Board, and the several zillahs, will be compiled from the monthly-fly indices, the several files being entered according to subject under the eight headings of revenue business sub-divided as below: for each of the sub-divisions, one or more pages of the Register will be appropriated, the general heading, and, underneath it, the sub-division, being written at the top of each page in large letters.

DEPARTMENT.	SUB-DIVISIONS.
I.—Settlement,	1.—Detailed settlement. 2.—Revision of settlement records. 3.—Summary settlements. 4.—Jungle and waste grants. 5.—Boundary cases. 6.—Adjustment of rents. 7.—Alteration of juma.
II.—Land Revenue,	1.—Balances. 2.—Minor process of duress. 3.—Kham holdings. 4.—Transfers. 5.—Farms and their securities. 6.—Sale. 7.—Tuccavee. 8.—Malikana. 9.—Canal rents. 10.—Refund of excess collections.
III.—Summary adjudication and Putwarees.	1.—Summary suits for rent and replevin. 2.—Ouster. 3.—Putwarees' charges. 4.—Qualifications of putwarees. 5.—Complaints of, and against, ditto. 6.—Records of ditto.

IV.—Registration, --- --- --- --- ---
1.—Partition, perfect or imperfect.
2.—Mutations under decrees of Courts.
3.—Mutations by inheritance.
4.—Ditto by transfer.

V.—Civil Suits, --- --- --- --- ---
1.—Suits by, or against, Government.
2.—Execution of orders of Civil Courts.
3.—Claims of Government or individuals in rent-free or special tenures.

VI.—Excise, --- --- --- --- --- ---
1.—Abkaree settlement.
2.—Balances.
3.—Sayer.
4.—Saltpetre.
5.—Stamps.

VII.—Account, --- --- --- --- ---
1.—Pauper suits and dues.
2.—Pensions.
3.—Deposits.
4.—Village schools.
5.—Supplies and tals.

VIII.—Miscellaneous, --- --- --- ---
1.—Wards' estates.
2.—Local agency and nuzool.
3.—Roads and road fund.
4.—Appropriation of land for public purposes.
5.—Government servants, and cases relating to.
6.—Establishments.
7.—Repairs of offices.

XIII.—The general register of miscellaneous correspondence must be divided according to circumstances peculiar to each division.

XIV.—In the general registers will be entered, under its appropriate heading and sub-division, the nature of the matter or transaction of each file, as well as briefly the manner in which it was disposed of, also the mouzah and pergunnah if the file has a local distinction; the number of letters in the file, and the date on which the matter was disposed of;—the final column will be used for entering a notice of any subsequent renewal of the correspondence on the same matter.

XV.—As the several books of indices are filled, they will be put away in an almirah appropriated for the purpose, the date of completion being noted on the cover, and the date of commencement noted on that of the newly opened index. The date of commencement and completion of each general register will be similarly noted on the cover.

Rules for Collectors' Offices.

I.—A daily receipt book, and a daily despatch book, will be regularly kept up.

II.—Separate indices will be kept in the form noted in the margin*, one of correspondence on territorial matters with Government, the Sudder Board, the Commissioner and the Collectors' subordinates, letters from and to those different authorities being distinguished by the letter G. or B., or C., or D. for Deputy Collectors. A second of correspondence on Treasury matters with the Accountant and Civil Auditor. And a third of miscellaneous, including cor-

* No. and date of letters.	From or To	Subject of letter in abstract.	Date of letter to or from

respondence with the Civil Courts, and all other public functionaries than those abovementioned. In the final column of these indices will be entered the date of the reply to any letter which will form the connecting link for tracing the subsequent notice of the subject in the index.

III.—When the correspondence is finally closed, the date of the last letter in the series will, to facilitate search, be also entered opposite *to each letter* in the final column of the index. And if the subject be subsequently renewed, the date of the letter eventually again closing will be repeated. Thus:—

No. and Date.	*From or To*	*Subject.*	*Date of Reply.*
116, February 4th.	From Commissioner.	Communicating sanction to the sale of.	20th February 1855, closed 1st May 1855. Renewed and closed 8th January 1856.

IV.—Files will be deposited in Monthly bundles, the entire file regarding any subject being placed in the bundle of the latest month in which correspondence on any transaction has been recorded.

V.—As explained in the 3rd paragraph of this Circular, it will be optional to divide the Monthly correspondence with the Government, the Sudder Board, and the Commissioner, and with subordinates, into two bundles: one mouzawar, having a distinct local reference or connection, and relating to subjects which are included in the first five general headings of the revenue business noted below; and the other for files on matters of a general nature, noted under the three last headings of business, VI., VII., VIII. It will be optional also with the Collector to arrange the files in the mouzawar bundle, according to tehseeldaree divisions. Separate bundles will be formed of the Treasury correspondence and of the miscellaneous disposed of during the month.

DEPARTMENT.	SUB-DIVISIONS.
I.—Settlement,	1.—Detailed settlement. 2.—Revision of settlement records. 3.—Summary settlements. 4.—Jungle and waste grants. 5.—Boundary cases. 6.—Adjustment of rents. 7.—Alteration of juma.
II.—Land Revenue,	1.—Balances. 2.—Minor process of duress. 3.—Kham holdings. 4.—Transfers. 5.—Farms and their securities. 6.—Sale. 7.—Tuccavee. 8.—Malikana. 9.—Canal rents. 10.—Refund of excess collections.

III.—Summary adjudication and Putwarees, -- -- -- -- --
1.—Summary suits for rent or replevin.
2.—Ouster.
3.—Putwarees' charges.
4.—Qualifications of putwarees.
5.—Complaints of, and against, putwarees.
6.—Village putwarees' records.

IV.—Registration, -- -- -- -- --
1.—Partition, perfect and imperfect.
2.—Mutations under decrees of Courts.
3.—Mutations by inheritance.
4.—Mutations by transfers.

V.—Civil suits and special tenures, -- --
1.—Suits by, or against, Government.
2.—Execution of orders of Civil Courts.
3.—Claims of Government or individuals in rent-free or special tenures.

VI.—Excise, -- -- -- -- -- --
1.—Abkaree settlement.
2.—Balances.
3.—Sayer.
4.—Saltpetre.
5.—Stamp.

VII.—Accounts, -- -- -- -- --
1.—Pauper suits and dues.
2.—Pensions.
3.—Deposits.
4.—Village schools.
5.—Supplies and tals.

VIII.—Miscellaneous, -- -- -- --
1.—Wards' estates.
2.—Local agency and nuzool.
3.—Roads and road fund.
4.—Appropriation of land for public purposes.
5.—Government servants, and cases relating to.
6.—Establishments.
7.—Repairs of offices or public buildings.

VI.—On each monthly bundle will be affixed a fly-index of the form in the margin.* Where there may be a separate miscellaneous bundle, the first column will be dispensed with in its fly-index. In the last column of the fly-index will be entered the date of the withdrawal of any file for casual reference, or for renewal of the correspondence on the same subject. If for casual reference the file will be replaced when done with, and the date of replacement noted below that of withdrawal, but any renewed correspondence on the same transaction or distinct subject, will, when apparently closed, be

*Mouzah and Tehseeldaree.	*Subject as on Docket.*	*No. of letter or file.*	*Date of last letter.*	*When withdrawn from the bundle.*
Phoolpoor, ..	Summary suits,	10	14th January 1855.	20th May 1856.
Ayela, ...	Sale, ...	12	16th instant.	
Furrah, ...	Transfer, ...	6	20th idem, ..	4th January 1857.

added to the previous file, and with it deposited in the bundle of the month to which the final letter of the series belongs.

VII.—General registers will be kept of all territorial correspondence with Government, the Board, the Commissioner and Deputy Collectors, in books ruled for the same number of columns as the fly-indices. One register for each tehseeldaree division of headings I. to V., and one for the district of general matters under headings VI., VII., VIII. Books for the Registers will be prepared by noting in large letters, at the top of a certain number of pages, the principal heading of Revenue business, to which they are assigned, and underneath this the sub-divisions, as included in each page. In the subject column will be briefly noted the matter, and the manner in which it has been disposed of. The other columns will be used as in the fly-index for entering the mouzah, the number of letters, and the date of the last letter, and the final column for that of the withdrawal of any file.

VIII.—Where the correspondence regarding the Treasury may be very voluminous in any district, it is left optional to keep it quite distinct from the general files of the office, on a separate set of shelves.

IX.—Circulars, and replies to them, will be entered in a separate register, and they will be kept together. Circular Orders, laying down rules of practice, should be filed in a convenient form, distinct from other Circulars calling for information.

X.—Wherever a Circular may form the subject of subsequent correspondence, a copy of it will be placed with the file in the monthly bundle.

XI.—A tabular statement will be hung up at the beginning of each year, in the English offices, of all the periodical statements to be furnished during the year, noting the date on which they are due, and having a blank column for entering the dates on which they have been despatched.

XII.—The keeping the indices, and registers, and the charge of the correspondence, will form the distinct duty of a clerk selected for the office of English Record-keeper.

No. 21.—*To all Revenue Authorities, North Western Provinces.*

Dated Agra, the 4th December 1855.

Board prescribe amended Abstract Statements of trust estates.

WITH the sanction of Government, the Sudder Board of Revenue for these provinces prescribe an amended form and exemplar for Abstract Statement of properties under the management of the Court of Wards, required to be submitted by their Circular No. 4, dated 22nd August 1854.

FORM

FORM.

Abstract Statement of Trust holdings for the District of for the year Fuslee.

Pergunnah.	Mehal.		Gross demand.	Collections of the year.	Balance.	Charges and Disbursements.	Net Surplus.	Remarks.
	Name of Mehal.	Government juma.						
1.	2.	3.	4.	5.	6.	7.	8.	9.
				Estate of Rajah Golab Singh, minor.				
			Current year, ... 0 0 0 Past, ... 0 0 0 Total, .. 0 0 0			Government juma credited. Khureef of 1854-55, 0 0 0 Rubbee of 1855-56, .. 0 0 0 Total, .. 0 0 0 Maintenance, ... 0 0 0 Establishment, ... 0 0 0 Paid to creditors, .. 0 0 0 Expended in Court, .. 0 0 0 Rent balances, ... 0 0 0 Remitted, &c., ... 0 0 0 Total, .. 0 0 0		Disposal of net surplus to be explained, Rs. 0 0 0 Invested Balance in hand, Rs. 0 0 0
				Estate Ranee Kumla Koour.				
			Ditto ditto, ... 0 0 0 Ditto ditto, ... 0 0 0			Ditto ditto, ... 0 0 0		

CUSTOMS' DEPARTMENT.

No. 1.—*To Commissioners, Dehlie, Meerut, Agra, Allahabad and Benares Divisions.*
Dated Agra, the 19*th January* 1855.

Abkaree arrangements on the Grand Trunk Road.

Board, with the sanction of Government, prescribe rules for checking the sale of liquor to European troops on the line of march.

THE Sudder Board of Revenue, North Western Provinces, with the approval of Government, prescribe the following rules for Abkaree arrangements along the Grand Trunk Road, with a view to checking the sale of liquor to European troops, on the line of march.

I.—Every place of vend, (whether distillery and shop, or shop separate from distillery) of spirituous liquors on the margin of, and within a quarter of a mile on either side of the Grand Trunk Road, shall be inserted in a separate register.

II.—The licenses for each such shop shall, in future, provide, that no liquors shall be sold, or given to European soldiers or camp followers of an European regiment or detachment, from any of these shops.

III.—The daily tax for each shop shall be specified in the license, which shall provide, that in case of any shop being closed while such regiment or detachment of European soldiers is passing by, or is encamped in its vicinity, compensation at such rate, plus 10 per cent. for profits, shall be paid for each day of 24 hours, during which such shop may be closed, to the *abkar* in charge or management. No compensation need be given for a period not exceeding 6 hours, but if closed for more than 6 hours, adjustment shall be made for 12 hours, and if more than 12, for 24 hours, and so on.

IV.—The Tehseeldar, on receiving intimation of the approach of an European regiment or detachment, will depute a police burkundaz, or revenue peon, to each shop, who will be instructed to close it to all comers from the time the guard, which precedes the regiment with the advance baggage, approaches, and keep it closed till the rear guard has passed onward to the distance of at least a mile. He will then report to his superior officer, the precise time during which the shop has been closed.

V.—The Tehseeldar, on receiving this report, and being satisfied of its correctness, will furnish a certificate to the abkar, of the compensation due to him, calculated according to Rule III., and, on receiving the Collector's order, will pay him the amount.

VI.—The native officer, in attendance on an European regiment or detachment, will make the same arrangment at, or in the vicinity of, the encamping ground, and may apply to the Commanding Officer for a guard to be posted there, if necessary.

VII.—During the time that it is necessary to close any shop under these rules, liquor must be refused to all comers, to prevent its finding its way to the soldiers.

VIII.—Collectors, on receiving intimation of the arrival of an European regiment, will give timely information to each Tehseeldar, who will be responsible for the due observance of these rules.

IX.—Compensation for closing shop is not to be deducted from the contract of farmers of duties, or that of *abkars*, when the mehal is under direct management. It must not, therefore, be exhibited in account as an *abkaree* balance, but must be paid to the party entitled to it, and charged in the public accounts.

No. 2.—*To Commissioners and Collectors in the North Western Provinces. Dated Agra, the 20th April* 1855.

The Board, with the sanction of Government, prescribe rules superseding those of 19th December 1843, regarding the transport and sale of spirits manufactured according to the European method.

Abkaree.

THE Sudder Board of Revenue, under instructions from the Government of these provinces, prescribe the following rules for the transport and sale of spirits manufactured according to the European method. The rules, dated 19th December 1843, are hereby superseded, and the present rules will take effect from the 1st May 1855.

I.—The owners of distilleries, licensed to sell spirits manufactured after the European method, are allowed to sell spirits manufactured by them in quantities not less than 13 Imperial gallons, either on obtaining a pass for the same from the Collector, or other Officer in charge of the Abkaree Mehal of the district in which the distillery is situated, or to any person producing such a pass.

II.—The duty of 8 annas per Imperial gallon shall be paid on such spirits before the despatch leaves the distillery premises.

III.—On payment of duty at the above rate, the Collector, or other Officer before mentioned, shall grant a pass in the annexed form. This pass will protect the spirits while in transit, and spirits so protected shall not be liable to question; but it will not authorize the sale of the spirits to other than the person to whom it denotes that the spirits have been consigned.

IV.—The pass may be renewed for any other district, or the destination of the despatch in the district altered, if the Collector or Officer in charge of the Abkaree Mehal is satisfied that the spirits have not been removed from the cask in which they left the distillery.

V.—A duplicate of each original or renewed pass, when granted, shall be forwarded to the Collector or Officer in charge of the Abkaree Mehal of the district for which it is destined, and the duplicate shall be affixed to a conspicuous place in the Revenue Cutcherry, and information thereof shall be given by the Collector, or Officer in charge, to the contractor if the Abkaree duties of the district or Cantonment have been farmed out.

FORM OF PASS.

Pass for the transport of spirits manufactured at a licensed distillery.

No.———————— of ———————— Pass for the conveyance from the licensed distillery of A. B. (and C. D.) at ———————— in the district of ———————— of ———————— (number to be entered in figures and letters) Imperial gallons of Bengal Rum, upon which duty has been paid contained in ———— ———————— casks marked as below, consigned to ———————— at ———————— in the district of ———————— This pass will continue in force for ———————— ———————— from this date.

The mark to be cut deeply on both ends of the cask, and to consist of the distinguishing mark of the distillery, a number corresponding to the number of the pass, and the quantity and strength of the spirit thus—

No. ———
——Imperial gallons
C. and Co.,
Shahjehanpoor
O. P. 5°′.

(Signed) G. H., Daroghah and other Officer in charge of the distillery.

(Signed) E. F., Collector, or other Officer in charge of the Abkaree Mehal.

No. 3.—*To all Revenue Authorities in the North Western Provinces.*

Dated Agra, the 26th October 1855.

Vendors' endorsements on Stamp paper to be legibly written.

THE Court of Sudder Dewanee Adawlut having brought to the notice of the Sudder Board of Revenue, that some of the endorsements of the Stamp vendors on the Stamp papers sold by them are so badly written, as to render the names of the Zillah, Pergunnah, and Stamp vendor quite illegible, Collectors, and Officers in charge of districts, are required to insist upon all Stamp vendors making a carefully written endorsement on every Stamp paper sold by them, as required by Clause 6, Section 10, Regulation X. of 1829.

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CIRCULAR ORDERS

OF THE

ACCOUNTANT'S OFFICE,

NORTH WESTERN PROVINCES.

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Rules for expediting adjustment of charges incurred in the North Western Provinces and the Punjab Territory on account Pensions of the Bengal Presidency; requiring the preparation of separate bills which after audit should be sent to the officer, in whose accounts the charge will be made, who will adjust the same by public drafts. A similar course of adjustment will be pursued in respect of Pensions paid at Bengal Treasuries on account of the North Western Provinces and the Punjab Treasuries, --	29th March 1855.	*ib.*
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Subject.	*Date.*	*Page.*
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CIRCULAR ORDERS

OF THE

ACCOUNTANT'S OFFICE,

NORTH WESTERN PROVINCES,

FOR 1855.

No. 318.—*To the Collectors of the North Western Provinces.—Dated Agra, the 5th February* 1855.

WITH reference to the Sudder Board's Circular No. 25 of 1854, directed to all Revenue Authorities, in the North Western Provinces, and in pursuance of Government Orders conveyed in Mr. Secretary Muir's letter No. 2620 A., dated 23rd December last, I have the honor to request, that, in future, whenever you may have occasion, to bring the rules promulgated in the Circular above cited, into operation, in your district, by assessing lands under settlement, with the one per cent. Village School cess, and levying the same from the proprietary, you will bring to credit all collections made on that account, under a new head of account, to be entitled "*Village School Fund,*" and debit all authorized payments therefrom, to the same head on Bills countersigned by the Visitor General of Schools, North Western Provinces, and audited by the Civil Auditor.

No. 319.—*To all Revenue Treasury Officers in the North Western Provinces, Cis and Trans-Sutlej States, and Punjab and Trans-Indus Territory.—Dated Agra, the 29th March* 1855.

WITH the view of expediting the adjustment of charges incurred in the North Western Provinces, and the Punjab Territory, on account of Pensions of the Bengal Presidency, and *vice versâ*, it has been arranged that such payments shall be adjusted, in future, by means of public drafts. I have the honor, accordingly, to request, that you will, in future, prepare separate abstracts, of each of the Bengal Pensions paid from your Treasury, and after they have been audited by the Civil Auditor, forward them direct to the Bengal Treasury, to which the pensioners may belong for adjustment. In regard, however, to pensions which are debitable to Offices or Departments, at the Presidency, the audited Bills should be forwarded, to the Accountant to the Government of Bengal, who will adopt the necessary measures for their adjustment.

2nd.—On receipt of drafts, from the Treasury, or Officer, to whom your abstracts had been forwarded, you will be pleased to debit their amounts, to "Bills payable," supporting the debits, by the drafts, duly receipted by the payees, and expunge the corresponding items, from Inefficient Balance, in which, the payments must first appear, pending such adjustment.

3rd.—A similar course of adjustment, will be pursued, in respect to any Pensions of your district, that may be discharged, at a Bengal Treasury, and you will be pleased, on receipt of audited abstracts, from those Treasuries, to debit their amounts, under the head "By Pensions and Charitable Allowances," and issue a draft for the same, under the authority of this Circular, on the Collector, or Officer of the districts from which the abstrats were forwarded to you.

4th.—The foregoing instructions, are similar to those which have been issued by the Bengal Accountant, to Treasury Officers, under that Government, and you will observe that, under their operation, no future charge will be made, in your accounts, on account of pensions which appertain to the Bengal Presidency, except for the amount of the drafts that may be drawn upon your Treasury.

No. 320.—*To all Revenue Treasury Officers, North Western Provinces, Cis and Trans-Sutlej States, and Punjab and Trans-Indus Territory.—Dated Agra, the 28th April* 1855.

I HAVE the honor to annex, for your information and guidance, copy of a Circular No. 6500, dated 26th February last, issued by the Accountant to the Government of Bengal, to all Pay Masters, on the subject of making payment, to European military pensioners, and widows of old Soldiers, residing at stations distant from Military Pay Offices, of their stipends, free of postage charge. Your attention is particularly directed, to the course of procedure therein prescribed, and you are requested, in communication with the Pay Master of the Circle in which your district may be comprised, to afford every facility to the class of Pensioners indicated, for receiving their allowances.

No. 6500—*To all Pay Masters.—Fort William,—Military Department, the 26th February* 1855.

A representation having been lately submitted to Government, of the loss sustained by European military pensioners, and widows of old Soldiers, residing at stations distant from Military Pay Offices, consequent on the remittances of their stipends, being charged with postage, under the new Post Office Rules, the Most Noble the Governor General in Council, was pleased to decide, that the pensioners in question, should receive their stipends, free of postage charge. To this end, it has been arranged, that the stipends of the pensioners shall, in future, be paid direct from the local Treasuries, on receipted Bills, accompanied by sufficient vouchers of their identity, &c., and that the bills, and accompaniments shall then be forwarded, under one cover, to the Pay Master of the Division, who will promptly reimburse the amount by a draft, the payments being, meanwhile, held in the Inefficient Balance, of the Accounts of the disbursing Treasuries.

2nd.—I request, that you will notify this arrangement, to all pensioners of the class above-mentioned, who may be residing in your circle of payment, and that you will carry it out, in communication with the several Collectorates concerned.

No. 321.—*To all Revenue Treasury Officers, North Western Provinces, Cis and Trans-Sutlej States, and Punjab and Trans-Indus Territory.—Dated Agra, the 25th April* 1855.

I HAVE the honor to request that you will, from the 1st May next, be good enough to number the Bills issued from your Treasury, in a double series, of consecutive Nos. thus, $\frac{433}{23}$, beginning with 1st May and ending on the 30th April of each year. The upper number will denote a general series, according to which all the Bills issued are to be numbered, and the lower, a particular series, as at present, for each Treasury drawn upon.

2nd.—A double column should be provided for the two numbers in the usual separate Register of Bills drawn on each district, while the check margins (carefully bound up, after convenient intervals) will constitute a General Index, or Register of all your Bill transactions. Your letters, and advices, will also represent the double series of numbers from the 1st May next.

3rd.—The above instructions are similar to those which have been issued, for the guidance of Treasury Officers in the Bengal Presidency, where it is intended, that the present system of numbering bills shall also come into operation on the 1st Proximo.

No. 322.—*To all Treasury Officers, North Western Provinces, Cis and Trans-Sutlej States, and Punjab and Trans-Indus Territory.—Dated Agra, the 30th April* 1855.

WITH reference to Act No. XXV. of 1854, being an Act for discontinuing the practice of issuing warrants for the payment of money from the Treasuries of the Collectors, I have the honor to request, that you will consider paragraph 110, at page 20, paragraphs 4 to 6, inclusive, at page 84, and Appendix No. XXVI. at page 168 of the Accountant's Manual, as hereby cancelled.

2nd.—You will, however, be careful to require every applicant for payment at your Treasury, to present separate receipts, in duplicate, for the amount of his demand, in addition to the receipts that will be taken on Bills of Exchange, and such like written orders to pay. These bills, receipts, &c. must be presented, in the first instance, to the Officer in charge of the Treasury, by whom the date of presentation, having been noted, in the orginal, the documents will be passed into the office for check, and scrutiny.

3rd.—If in all respects correct, the fact will be attested by the Head Clerk, or Jumakhurch Nuvees, according as the authority to pay is in English or the Vernacular, and the original document, as well as the separate receipts will then be enfaced in *red* ink, and in English, with the words "Pay Rs. ———— to ————," and the date. The enfacement must also be numbered, in a separate series, each month, and entered in a "Register of Treasury orders" which must be maintained in the annexed form, in substitution of the Register of Treasury Warrants, which has been in use heretofore.

4th.—The enfacement order, will then receive the signature of the Officer in charge of the Treasury, and the Treasurer (who must be made responsible that he pays no order which does not bear on the face of it, an attestation of registry, by the signature of the Record-keeper, or other officer to whom may be entrusted the duty of Registering Treasury Orders,) in cashing it, will enter the payment in his own Day-book, and, causing it to be simultaneously entered, in the Seeanavee's Seeah, will stamp each document with the word "Paid," and the date, and attach his signature thereto. The duplicate receipt being retained by the Treasurer, as his own voucher, the original should be returned to the Office, with all the other documents connected with the payments made, for disposal in ordinary course.

Note.—A stamp, with a movable slide for the date, as is used in the Post Office, would be the most convenient.

5th.—In those cases, in which triplicate receipts are now prescribed, such as advances to the Military, and cases in which vouchers are transmitted, for the purpose of adjustment, to the Accountants of other Presidencies, and to Pay Masters, it will be necessary to take receipts in quadruplicate, in order that the additional, or quadruplicate receipt, may be retained by the Treasurer as his authority for making the payments therein acknowledged.

Note.—The object of this rule is to secure a voucher for the Treasurer, without which he will not pay.

6th.—The duty of moving the Collector, or other Officer, in charge of the Treasury, to order payments, should be assigned to some particular subordinate Officer on your Establishment (a mohurrir for instance) so as to obviate the risk of a fraudulent application being presented, and an order obtained thereon, through collusion in the establishment.

7th.—For the convenience of parties who have frequent occasion to receive payment, from your Treasury, it would be desirable to procure a supply of printed forms of receipts on various accounts: specimens of a few of which, are given in Appendix No. XXVII. of the Accountant's Manual.

Register of Treasury Orders.

Number of Order.	*Date.*		*Amount.*	*To whom Payable.*	*On what Account.*
1	January 1855,	1st,	100 10 0	Captain Smith, --	Draft No. —, dated drawn by ———.
2	Ditto, -- --	2d,	2,057 0 0	Captain Hamilton, --	Amount of advance under order of ———.
3	Ditto, -- --	4th,	49 8 9	Narain Singh, -- --	Repayment of Revenue Deposit No. —, dated —
4	Ditto, -- --	8th,	3,503 0 0	Mr. Brown, Deputy Collector, -- -- -	Establishment for December 1854.
5	Ditto, -- --	9th,	2,000 0 0	Mr. E. H. Morland, Judge, -- -- --	Ditto ditto.
6	Ditto, -- --	10th,	339 9 10	Mr. Drummond, Magistrate, -- -- --	Contingent Bill for October 1854.
7	Ditto, -- --	10th,	72 0 0	Doorgadeen, -- -- ·	Fines refunded.

N. B.—This Register must be maintained in English, and be frequently inspected by the Treasury Officer.

No. 323.—*To all Treasury Officers, North Western Provinces, Cis and Trans-Sutlej States, and Punjab and Trans-Indus Territory.—Dated Agra, the 7th May* 1855.

UNDER the orders of Government, No. 96, dated 15th March last, I have the honor to request, that you will comply with applications for drafts upon the Agra Treasury, for the amount of subscriptions to the "*Muallim-ul-amelah,*" the amount of which is understood to be Rs. 5 per annum. The drafts should, moreover, specify distinctly the authority under, and the purposes for which, they are issued, and be drawn in favor of the Editor of the abovenamed publication.

No. 324.—*To all Treasury Officers, North Western Provinces, Cis and Trans-Sutlej States, and Punjab and Trans-Indus Territory.—Dated Agra, the 7th May* 1855.

UNDER the orders of Government, North Western Provinces, dated 24th ultimo, I have the honor to request, that you will, in future, dispense with contingent bills, on account of Treasurer's commission, on the vend of stamps, and charge the amounts at once, against collections, in your Treasury accounts, under the head "By Stamp Duties" at the authorized rate of two per cent. The charge should be supported with the receipt of the Treasurer, bearing the usual note of Treasury order.

No. 325.—*To all Treasury Officers, North Western Provinces, Cis and Trans-Sutlej States, and Punjab and Trans-Indus Territory.—Dated Agra, the 15th May* 1855.

WITH reference to a communication received from the Accountant to the Government of Bengal, No. 43, dated 4th instant, I have the honor to request, that you will consider the instructions conveyed in my Circular No. 319, dated 29th March last, as applying only to Service and Superannuation Pensions of the Revenue, Judicial, Post Office, Customs, Abkaree, Marine, Salt and Opium Departments, and not to those granted for Political, or General purposes. Pensions of the latter description, which may appertain to the Bengal Presidency, will, therefore, continue, as heretofore, to be adjusted in your own account, by charge, after audit, under the head "Pensions," subordinate to that Presidency, and the audited bills forwarded, as vouchers to this office.

No. 326.—*To all Treasury Officers, North Western Provinces, Cis and Trans-Sutlej States, and Punjab and Trans-Indus Territory,—Dated Agra, the 23rd June* 1855.

I HAVE the honor to annex, for your information and guidance, copy of a Notification No. 14, dated 10th April last, issued by the Hon'ble the President in Council, and published in the *Calcutta Government Gazette*, dated 11th idem, for the supply of funds to the Department of Public Works, in supersession of Government General Order No. 765, dated 27th July 1854, which is thereby cancelled.

2nd.—You will observe, that the new rules will come into operation, on the 1st June 1855, and that you will, thereafter, receive letters of credit, from the Chief Engineer of your Province or Territory, specifying the extent to which the Executive Officer named therein, is authorized to draw upon you, in the course of the month. These letters of credit it is to be understood, are intended, only to check the drawings of Executive Officers, and are not, in any way, to be brought upon your Treasury accounts.

3rd.—Payments will be made by you, to Executive Officers, on their triplicate receipts, and be debited in your Treasury account, under the head "By Remittances of the Engineer Department." The charges will be supported by the original receipt of the Executive Officer, and care should be taken that the payments made in the course of any month are limited to the amount specified in the Chief Engineer's letters of credit, which are to hold good, for the month only, for which they are granted. Sums paid into your Treasury by the Executive Engineers on account savings, &c. are to be credited to the same head of account.

4th.—Under Rule 4 of the above cited Government Notification, all issues of cash should be entered, and attested with your signature at the time of payment on the back of the letters of credit.

5th.—On the 1st of each month, the original letter of credit, should be returned by you, to the Chief Engineer for record in his office, and on the same date, the Executive Officer should be supplied with a brief account current, shewing on one side, the amount of the letter of credit, and on the other the numbers, dates, and amounts of the receipts cashed during the month, for which the Account Current is rendered.

6th.—A precisely similar system to the foregoing, for supplying funds to the Stud Department, will be adopted from the 1st June 1855. The letters of credit will be issued by the Superintendent of Studs, on local Treasuries, and drawings effected against them, by the Executives of the Department, in the form of triplicate receipts. The letters of credit should be transmitted, on the 1st of each month, to the Accountant to the Government of Bengal, in the Military Department at Fort William, bearing on them, the prescribed notes of payments made during the month. Charges on this account will, as heretofore, be debited in your Treasury Account, against the Military Department, subordinate to the Bengal Presidency, and, as in the case of the Engineer's Department, a brief account current should be supplied to the several Executive Officers, who may have received payment from your Treasury, by virtue of the letters of credit issued by the Superintendent of Studs.

7th.—In respect to the Commissariat Department, letters of credit will be issued by the Commissary General, and payments made on the triplicate receipts of the Executives named in them. These letters of credit, must be returned on the 1st of every month, direct to the Commissary General at Fort William, bearing on them the notes of payments made during the month; and an Account Current furnished to Officers of the Department, who may have received cash thereon. Charges under this head will, as heretofore, be represented in your Treasury Account, under the Bengal Presidency, subordinate to the Military Department.

8th.—The foregoing rules are intended to regulate the ordinary operations of the several Departments indicated, in respect to obtaining supplies of funds from a Public Civil Treasury; but, as occasions may arise, when public inconvenience would be experienced, by a rigid adherence to the rules now promulgated, provision has been made in Rule 5 of the Notification, herewith appended, for "Cases of unforeseen emergency," under the operation of the several G. O. G. G., which are marginally referred to therein, in respect to the Department of Public Works. Emergent advances to the Commissariat Department, will be made under the rules prescribed on page 26 of the Accountant's Manual, the charges being supported, in both cases, by the original receipt of the executives, and notices of such advances forwarded, immediately after payment, to the heads of the respective Departments, and to this office. I would, however, remark, that the arrangement now communicated, so far as it relates to the Commissariat Department, is experimental for six months, and may possibly undergo modification at the expiry of that period.

No. 14.—*Notification.—Public Works Department,—Fort William, the* 10*th April* 1855.

The Hon'ble the President in Council, is pleased to promulgate the following Rules, for the supply of Funds to the Department of Public Works, in supersession of those notified in the Government General Order No. 765 of 27th July 1854, which is hereby cancelled.

Rule 1.—The issue of assignments will cease from 1st June 1855, and from and after that date, supplies of cash to the Department of Public Works, will be made from Civil Treasuries, on letters of credit granted by the Chief Engineers, in each of the three great Divisions of Bengal, the North Western Provinces, and the Punjab.

Rule 2.—The several Executive Officers of the Department, will submit monthly estimates of their probable requirements, to the Chief Engineers of their respective Divisions, who, after examination thereof, will, at their discretion, issue letters of credit, on the Local Treasuries, in the subjoined Form.

Rule 3.—The Executive Officers will draw against the credits thus allowed by means of receipts in duplicate, from a Counterfoil Check Book, as for Drafts, in regular series of numbers, commencing from the 1st May, and ending on the 30th April of each year.

Rule 4.—The Officers in charge of local Treasuries, will enter, and attest with their signature, all issues of cash, at the time of payment, on the back of the letter of credit, which is to be returned immediately after the close of each month, to the Accountant of the Government of Bengal, in the case of letters of credit granted by the Chief Engineer of the Bengal Division, and to the Accountant at Agra, as regards those granted by the Chief Engineers of the North Western Provinces and the Punjab. After the close of each month, the Officers in charge of the Treasuries, will supply the several Executive Officers, with a brief account current, shewing on one side, the amount of the letter of credit, and on the other, the numbers, dates, and amounts of the receipts cashed.

Rule 5.—In cases of unforeseen emergency, where delay might be productive of inconvenience to the public service, advances urgently required, may be drawn by Executive Officers from Civil Treasuries, on the order of the Chief Civil or Military authority of the station, subject to the rules and conditions prescribed in the General Orders marginally noted, such advances being notified immediately after payment, to the Chief Engineer and to the Accountant, to whom the recipients may be responsible for the due appropriation thereof.

*G. O. C. C., 27th May 1811.
G. O. G. G., No. 19, of 16th January 1824.
G. O. G. G., No. 105, of 10th May 1828.
G. O. G. G., No. 14, of 17th January 1829.

FORM.

No. of 1855-56, *dated* 185 .

To the Collector of

I have the honor to acquaint you that credit has been allowed on your Treasury, to ——— Executive Engineer ——— Division, to the extent of Co.'s Rs. ———, during the month of ———. You will be good enough to honor his receipts to that extent under the rules promulgated in the Government General Order No. ———, dated the ———.

———

Chief Engineer.

No. 327.—*To all Treasury Officers, North Western Provinces, Cis and Trans-Sutlej States, and Punjab and Trans-Indus Territory.—Dated Agra, the 27th June* 1855.

I HAVE the honor to communicate, for your information and guidance, copy of a letter addressed to the Accountant, by the Military Accountant at Fort William, dated 30th May last, and to request that you will, in accordance therewith, effect quarterly adjustments on account of remissions on lands taken up for Military purposes, within your district.

2nd.—Your bills should be submitted to the Civil Auditor, as soon after the close of the quarters, ending 31st July, 31st October, 31st January, and 30th April, as practicable, in order to admit of their being passed, and returned to you, in time for charge in the Treasury Account of the months, succeeding those periods respectively.

3rd.—A form of the quarterly statement referred to by the Military Accountant, is herewith annexed, and you should adopt immediate measures, to include in the state-

ment for the first quarter of the current year, any arrears that may be due, on account of remissions of land revenue for the past, or former years, for lands appropriated for Military purposes.

No. 635.—*To the Accountant, North Western Provinces.—Fort William, the 30th May* 1855.

Letter from the Military Auditor General, No. 22, dated 10th May 1855. Reply No. 633, dated 30th idem.

I have the honor to transmit a copy of the correspondence marginally noted, and to request that you will issue the necessary instructions to the several Revenue Officers, subject to your control to consolidate their debits against the Military Department, on account Remission of Revenue on Lands taken up for Military purposes in their respective Collectorates, in quarterly Statements prepared agreeably to the Form proposed by the Military Auditor General. To ensure uniformity of adjustment, these statements should be prepared throughout all the Collectorates in the month succeeding the close of each quarter, and after audit by the Civil Auditor, North Western Provinces, should be charged off to the Military Department.

Quarterly Statement of Remission of Revenue on account of land taken for the Military Cantonment at Secrole and Sultanpore within the Collectorate of Benares, for the Fuslee year 1260, *or A. D.* 1853–54.

1.	2.	3.			4.			5.			6.			
Numbers.	Names of the recorded Proprietors.	Quantity of land.			Amount of revenue per annum.			Period for which remission granted.			Amount of revenue remitted.			
								Anno Fuslee.	Anno Domini 1853-54.					
		Bgh.	B.	C.	Rs.	A.	P.		From	To	Rs.	A.	P.	
	Secrole Cantonment.													
1	Ramdial Singh,	5	0	0	15	0	0	1st Kist 1261.	1st October,	31st December,	3	12	1	
2	Gurrub Singh, heir of Gopaul Singh,*							"	"	"				* Whenever a change in the recorded proprietor occurs, the names of the former and present proprietor are to be cited in the statement first presented immediately after the change.
3								"	"	"				
4								"	"	"				
	Sultanpore Cantonment.													
5								"	"	"				
6								"	"	"				
7								"	"	"				
	Total, ..				Total, Co.'s Rs.									

I do hereby, &c. &c. &c., (see the form laid down at page 476, in the *Calcutta Gazette*, dated 6th May 1854.

Collectorate, 1855.

A. B.

Collector.

No. 328.—*To all Officers in charge of Treasuries in the North Western Provinces, Cis and Trans-Sutlej States, and Punjab and Trans-Indus Territory.—Dated Agra, the 27th June* 1855.

THE establishment of the Political Treasuries* marginally indicated, having been communicated to this Office by the Accountant to the Government of Bengal in his letter No. 155, dated 17th June 1854, and that Officer having further intimated by his letter No. 86 of the 25th ultimo, that the said Treasuries have not yet been opened for the negotiation of Bills, I have the honor to inform you, that all Bills drawn on you in accordance with existing rule by Officers in charge of the said Treasuries, should be duly honored at your Treasury, but no Bills are to be drawn on them by you until the receipt of further instructions from this Office.

Northern Division, Berar.
Southern Division, Berar.
Raichore Doab, Eastern Division.
Raichore Doab, Western Division.
Western Districts.

2nd.—All payments which may be made by you in discharge of Bills drawn by the above Treasuries should be debited in your Treasury accounts under a distinct heading entitled, "Treasuries of the Hyderabad Ceded Districts," subordinate to the Bengal Presidency.

3rd.—The Accountant to the Government of Bengal having also, under date the 17th June last, No. 155, intimated the transfer of the Political Treasuries of Hyderabad and Baroda from the Fort Saint George and Bombay Presidencies to the Presidency of Bengal, respectively from May 1853 and March 1854; I have the honor to request, that all Bills drawn on or by the Residents in charge of those Treasuries, be entered in your Treasury Accounts under the heads "To" and "By Bengal Presidency."

No. 329.—*To all Treasury Officers, North Western Provinces, Cis and Trans-Sutlej States, and Punjab and Trans-Indus Territory.—Dated Agra, the 14th July* 1855.

As it is desirable, that immediate measures should be adopted, for the adjustment of demands, connected with supplies furnished to detachments, or regiments passing through a district; I have the honor to request, that you will, in future, direct all Tehseeldars or others, in attendance on a detachment, or corps marching through your district, to have all their accounts ready for adjustment, by 4 o'clock, in the afternoon, of each day, and submitted to the Quarter Master, or other Staff Officer, to enable him to report such adjustment, to the Commanding Officer, by sunset, so that sufficient time may be afforded, for the investigation of all disputed claims.

2nd.—When all the demands have been satisfied, the Tehseeldar, or other Officer in attendance, must give an acknowledgment, to the Commanding Officer of the corps or detachment, that all the demands of the day, have been settled: and when, from any peculiar circumstance, the demands have not been so adjusted, a statement to that effect, specifying the amount, and the nature of the demand, will be given by the Commanding Officer, and stating distinctly, the proper Officer, to whom the document should be forwarded, for adjustment.

3rd.—These instructions have been issued, under the orders of Government, North Western Provinces, dated 1st ultimo, and with the concurrence of His Excellency, the Commander-in-Chief, by whom corresponding instructions will be promulgated, in Military General Orders.

No. 330—*To all Treasury Officers, North Western Provinces.—Dated Agra, the 17th July* 1855.

I HAVE the honor to request, that you will comply with the written applications, of the Director of Public Instruction, and of the Inspectors of the Department of Public Instruction, for drafts upon other Treasuries. The drafts should be issued, only on the public service, and contain a specification of the purpose for which the remittance is made.

No. 331.—*To all Treasury Officers, North Western Provinces, Cis and Trans-Sutlej States, and Punjab and Trans-Indus Territory.—Dated Agra, the 10th September* 1855.

IT having been determined, that the savings from the pay of village Chowkeedars and Bullahars, should be appropriated for adding to the efficiency of the rural police, including the erection, and repairs of police chowkees; I have the honor to request, under the orders of Government, North Western Provinces, dated 13th ultimo, that you will in future afford credit for such savings, under the head, "To Revenue Deposits," and hold them available for repayment on the Magistrate's receipts, subject to such checks on the expenditure, as the Commissioner may think proper to prescribe.

No. 332.—*To all Treasury Officers, North Western Provinces, Cis and Trans-Sutlej States, and Punjab and Trans-Indus Territory.—Dated Agra, the 17th September* 1855.

IN communicating, for your information and guidance, the decision of the Government of India, in the Home Department, dated 20th July 1855, that the correspondence of the several Service Funds, as also covers, enclosing remittances, or advices of the recovery of subscriptions, shall hereafter be subject to postage; I have the honor to request your observance of the following rules, which correspond with those issued by the Accountant to the Government of Bengal, in the Military Department:—

1*st.*—All letters addressed by public Officers to the several Funds, shall be sent "*Bearing,*" except in the case of stamps being provided on the part of the Funds.

2*nd.*—All covers enclosing Drafts, (and their accompanying statements,) on account of subscriptions to the undermentioned Funds, viz.

Military Fund,
Military Orphan Fund,
Medical Retiring Fund,

shall likewise be sent Bearing; but it shall be optional with the managers, to require such covers to be pre-paid; the charge in the latter case being deducted from the subscriptions in hand, and the residue being remitted in the Drafts.

3*rd.*—The monthly statements of realizations of subscriptions, on account of the Uncovenanted Service Family Pension Fund, shall likewise be sent under *Bearing* covers; but it shall be optional with the managers, to require such covers to be prepaid; the charge in the latter case, being deducted from the subscriptions in hand.

4*th.*—As a matter of account, the full amount of subscriptions must be credited in detail of names, &c., and the value of postage incurred, shewn as a minus entry from the aggregate of credits under each Fund, shewing the residue or nett amount of credit.

5*th.*—No remittances being made, or periodical statement furnished to the Secretaries of the Civil Fund and the Civil Service Annuity Fund, by local Officers, their correspondence connected with those institutions must be forwarded *Bearing,* unless postage stamps are furnished for the purpose as directed in Rule 1.

No. 333.—*Dated Agra, the 12th October* 1855.

I HAVE the honor to annex, for your information, copy of a Circular addressed by the Accountant, to the Government of Bengal, in the Military Department, No. 3472, dated 3rd instant, to all Pension Pay Masters, requiring them to issue drafts on distant stations for their requirements on account of Pensioners borne on their Rolls, and to request your attention thereto.

2nd.—You will observe that under the arrangement now communicated, whenever a Pension Pay Master is located at your station, or may visit it in progress of his periodical tours, your duty in respect to his local requirements will be restricted to the provision of specie, on drafts which that Officer will draw upon your Treasury. For the payment of pensioners borne on his roll, who may be residing at distant stations, he will issue his own drafts, and whenever any such are drawn upon your Treasury, in ordinary course, their amounts must be promptly discharged.

No. 3472.—*To all Pension Pay Masters, Military Department.—Dated Fort William, the 3rd October* 1855.

My attention having been drawn to the inconvenience and interruption to public business, in the Collectorates at the several stations, which form the Head-Quarters of Pension Pay Masters, or which they are required to visit, on their periodical tours, in consequence of the frequent requisitions addressed to such Collectorates, for drafts in payment of Pensioners residing at distant stations, or in reimbursement of advances made at other Collectorates, I have resolved, with the concurrence of the Accountant, North Western Provinces, that drafts for such purposes shall, in future, be granted by the Pension Pay Masters themselves in assimilation, to the practice of the Pay Department of this Presidency, the duty of the local Collectorates being restricted, to the provision of specie for the local requirements of the Pension Pay Masters. For example, in the case of the Pension Pay Master at Meerut, he will draw upon the Collector of Meerut, for the funds required for the payments to the Pensioners at that station, and its immediate vicinity. If he should require a draft for the payment of a Pensioner (borne on his Rolls,) at Umballah, or for the reimbursement of an advance made at Umballah, the Pension Pay Master will himself issue the draft, on that Treasury, in place of obtaining it from the Collector of Meerut, as at present.

2nd.—This arrangement will take effect from the next periodical payment, or from the 1st November 1855.

3rd.—You will be good enough, in future, to conform to this arrangement, including the drafts drawn by you under these orders, in the Monthly Registers of Drafts rendered by you to this Department, and observing in all other respects the rules in force with regard to the issue of drafts.

No. 334.—*Dated Agra, the 30th October* 1855.

I HAVE the honor to annex, for your information and guidance, copy of a General Order by the President in Council, dated 20th October 1855, No. 1069, and (in modification of the instructions prescribed in the 5th paragraph of Mr. Officiating Accountant Money's Circular No. 294, dated 29th November 1853,) to request, that you will transmit the Monthly Statements of payments therein referred to (a separate statement for each Presidency) to this Office, instead of to the Military Accountant at Fort William. The original receipts of the parties to whom payment is made, must be submitted with your Monthly Statements.

2nd.—As the change is to take effect from the 1st November 1855, payments made to the close of the present month, must therefore be included in statements to be furnished to the Military Accountant at the Presidency.

General Orders by the Honorable the President of the Council of India in Council.—Dated Fort William, the 20th October 1855.

No. 1069 of 1855.—In modification of the 10th paragraph of the Government General Order, No. 875, of the 28th October 1853, it is hereby ordered, that all statements of payments made from Civil and Political Treasuries, subject to the Governments of the North Western Provinces, and Punjab, respectively, shall in future be rendered to the Accountant, North Western Provinces, at Agra, instead of to the Military Accountant at Fort William.

2nd.—The change is to take effect from the 1st November 1855.

No. 335.—*Dated Agra, the 5th November* 1855.

UNDER the orders of Government, North Western Provinces, I have the honor to intimate that, as provision is made in Circular No. 229 B. of 1854, issued by the Secretary to the Government, North Western Provinces, under date 3rd March 1854, and published in the *Agra Government Gazette* of the 21st idem, for the periodical submission to the Commissioner of the Accounts of the Ferry and Road Funds, for his examination and approval, the counter-signature of that Officer to Bills forwarded in support of charges made under these heads, may, in future, be dispensed with, as unnecessary.

2nd.—You will accordingly be pleased, in future, to support such charges with bills, or vouchers, in English, signed by the Secretary and counter-signed by the Collector, or other Chief Fiscal Officer of the District. A reference should, however, be given in the body of the bills, to the number and date of the Commissioner's sanction to the particular works, on account of which charges are included therein.

3rd.—The instructions issued in paragraph 2nd, of my lithographed communication, dated 28th October 1853, will accordingly be considered as cancelled: but you will be careful to observe the rule enjoined in the 3rd paragraph thereof, which requires that a copy of the special sanction of Government whenever obtained, for expenditure beyond the competency of the Commissioner to sanction, shall be appended to the ordinary voucher above prescribed.

4th.—The foregoing rules are applicable also to the Local Agency Fund.

No. 336.—*To all Treasury Officers, North Western Provinces.—Dated Agra, the 21st November* 1855.

I HAVE the honor to inform you, with reference to a communication received from the Accountant to the Government of Bengal, dated 13th instant, that under the orders of the Government of India, in the Financial Department, dated 26th ultimo, all Pensions and other grants of money fixed in Nagpore rupees, are to be converted into Company's rupees, at the uniform rate of 117 of the former, to 100 of the latter currency. You will accordingly be pleased, in disbursing pensions of the late Nagpore Durbar, should any be payable at your Treasury, to observe this rate in making future payments.

No. 337.—*Dated Agra, the 15th December* 1855.

With reference to the orders of Government, North Western Provinces, dated 3rd instant, I have the honor to request, that you will consider the form of Fine Statement prescribed in Appendix No. IX. of the Accountant's Manual, as hereby cancelled, and substitute, in its place, the form herewith appended.

2nd.—As the object of the form now prescribed, is to relieve Treasury Officers of the labor of bringing forward, in detail, from month to month, the unrealized balances of fines previously imposed, your attention is directed to the following instructions:—

First.—The statement should indicate only those cases, on account of which credits are afforded in your Treasury Account, for the same month, under the head of Fines of the several Departments.

Second.—Fines realized, and held in deposit, pending the usual period of appeal, must be excluded from the Statement, until the limit having expired, or the sentence being confirmed, the amount is transferred to the credit of Government.

Third.—When a fine is realized only in part, the balance should be accounted for, in the column of remarks; and when, in any subsequent month, the remaining portion of a fine is recovered and credited, the original fine should be shewn *de novo* in the statement of that month, and the difference explained as "realized and credited in the last (or any previous) month."

Fourth.—The aggregate of credits represented in the statement of Fines should invariably correspond with the sum of credits afforded in the Treasury Account under the several Departments indicated in Column 2 of the Statement.

Fifth.—The object of the particulars of Fines realized, being to ensure the identification of individual credits, on occasions of refunds being authorized, you must be careful, in submitting bills for refunds, or rewards, based upon credits in the accounts, to give correct references, to the numbers of cases, and names of offenders, and amounts. The bills should, moreover, be forwarded for attestation, *after*, and not before the Accounts and Statements to which reference is necessary, have been transmitted to this Office.

3rd.—The above rules apply equally to the Foujdaree Department of your Office; and you should, in communication with the Cantonment Joint Magistrate, or Abkaree Superintendent of your District (where such an Officer exists) incorporate the particulars of Fines realized by them, and paid into your Treasury. These Officers should, likewise, be instructed to obtain from you, correct references to the credits in your Accounts and Statements, whenever they may have occasion, either to make a refund, or pay a portion of a Fine, as a reward to either informers or seizers.

STATEMENT

Statement of Fines imposed and realized in the Revenue Department of Zillah Agra, and credited in the Treasury Account for November 1855.

1.	2.	3.	4.	5.	6.			7.			8.			9.
No. of Case.	*Department.*	*Names of Offenders.*	*Nature of Offence.*	*Date of Order.*	*Imposed.*			*Realization credited in this Month.*			*Due.*			REMARKS.
145	Revenue,	Warris Ali, Duftree,	Neglect of duty,	30th Sept. 1855.	1	0	0	1	0	0	0	0	0	
160	Ditto,	Ahmed Ali Beg, Tehsildar of Sukeet,	For not furnishing yearly accounts,	10th Octr. 1855.	10	0	0	10	0	0	0	0	0	
180	Ditto,	Hursook Roy, Ameen,	Contempt of order,	20th ditto,	20	0	0	10	0	0	10	0	0	Realized and credited last month.
193	Stamp,	Moojeeram,	For stamping a document written on plain paper,	2nd Novr. 1855.	15	0	0	15	0	0	0	0	0	
200	Opium,	Davee Dass,	Illicit sale of Opium,	3rd ditto,	10	0	0	5	0	0	5	0	0	Has undergone imprisonment in lieu of the balance.
205	Revenue,	Chitur Singh,	Making false representation,	6th ditto,	2	0	0	2	0	0	0	0	0	
209	Ditto,	Nusrut Oollah,	Disobedience of orders,	10th ditto,	10	0	0	5	0	0	5	0	0	Recoverable hereafter.
225	Abkaree,	Nubbee Bux,	Illicit manufacture of spirits,	20th ditto,	25	0	0	25	0	0	0	0	0	
				Total,				*73						

* *Explanation of Credit.*

Under Abkaree,	Rs.	25 0 0
„ Opium Bengal Presidency,		10 0 0
„ Stamp Duties,		15 0 0
„ Miscellaneous,		23 0 0
	Rs.	73 0 0

Collector's Office:
The 5th January 1856.

A. B.,
Collector.